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SAN FRANCISCO  
BOARD OF SUPERVISORS  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE

Three documents were usually produced for meetings of this Committee:

- (1) a Calendar constituted the "Agenda" for the meeting;
- (2) the Budget Analyst often did an analysis of Agenda items; and
- (3) actions taken at the meeting were indicated on the Calendar, and constituted the Action Calendar, or "Minutes" of the meeting.

Note that the Agenda and Minutes are both captioned "Calendar". They differ in that the Minutes describe the action taken on each Calendar item.

This volume includes the available Minutes of this Committee's meetings. The Agenda is included only if the Minutes are missing.

The Budget Analyst memo, if any, precedes the Minutes of a meeting. If the Minutes are not available, the Budget Analyst memo follows the Agenda for the meeting.

Prior to May 11, 1993, this Committee was known as the "Health and Public Safety Committee".



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CALENDAR - Actions Taken

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

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MAY 13 1993

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TUESDAY, MAY 11, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, CONROY, HALLINAN

ABSENT: SUPERVISOR CONROY - ITEM 4

CLERK: GAIL JOHNSON

1. File 30-93-2. Hearing to consider departmental responses to the transmission and need for prevention of tuberculosis. (Supervisor Alioto)

(Continued from 4/27/93)

ACTION: Continued to the Call of the Chair.

2. File 207-93-5. Resolution urging the Mayor to assist the San Francisco Police Department in setting up a Serious Habitual Offender Program and to seek funds from the Governor's Office of Criminal Justice Planning. (Supervisor Conroy)

(Continued from 4/27/93)

ACTION: Hearing held. Continued to May 25, 1993, meeting.

3. File 207-93-5.1. Resolution urging the Mayor to urge the San Francisco Police Department to reinstate the Juvenile Division of the San Francisco Police Department. (Supervisor Conroy)

(Continued from 4/27/93)

ACTION: Recommended.

4. File 206-93-2. Hearing to consider the issue of crime in the vicinity of Bernal dwellings and the need for additional police officers through an agreement with the San Francisco Housing Authority to fund said officers. (Supervisors Shelley, Migden)

ACTION: Hearing held. Filed.

5. File 207-93-18. Hearing to consider the issues of public safety and enforcement, graffiti and litter problems and adequate youth activities in the Sunset District. (Supervisor Shelley)

ACTION: Hearing held. Continued to the Call of the Chair.



CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

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MAY 25 1993

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May 21, 1993

**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst *Recommendations.*  
**SUBJECT:** May 25, 1993 Health, Public Safety and Environment Committee Meeting

Item 2 - File 270-93-1

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of April 27, 1993.

1. The proposed resolution would urge the Mayor to urge the Director of the Office of Emergency Services to prepare a plan for implementing a program of citizen participation in emergency services efforts at the neighborhood level.

2. Rear Admiral John Bitoff (retired), Director of the Mayor's Office of Emergency Services (MOES) states that the primary mission of MOES is to coordinate departmental emergency preparation and response. MOES also assists citizens and neighborhood groups that wish to participate in emergency preparation and response measures.

3. Admiral Bitoff indicates that when a major citywide emergency occurs, neighborhoods might have to address the needs of citizens without the benefit of City services for up to three days after the disaster occurs. Citizen participation in emergency response planning focuses on training teams of neighbors to work independent of the City at the neighborhood level.



4. The Northern California Disaster Preparedness Network reported in February of 1993 that the Cities of Albany, Sunnyvale, Oakland and Berkeley, as well as Alameda and Contra Costa Counties, had neighborhood-level plans for emergency training and preparedness efforts. The City of Oakland's Emergency Services Manager, Henry Renteria, describes the Citizen's of Oakland Response to Emergencies (CORE) program as an effort to train and equip existing neighborhood groups to establish teams that can provide basic first aid, fire suppression and search for missing people in a five to ten-block area. The CORE program has trained eighty teams in Oakland neighborhoods.

5. The San Francisco Fire Department trains citizens in the formation of Neighborhood Emergency Response Teams (NERT). According to Oakland Emergency Services Manager Mr. Renteria, the NERT program is similar in goals to Oakland's CORE program, although it functions on a smaller scale. NERT Program Coordinator Frank Lucier reports that there are NERT teams in twenty San Francisco neighborhoods. NERT will train teams to serve four new neighborhoods by June of 1993. Mr. Lucier states that 1,022 people have completed the NERT training course. He notes that he has also set up a network of amateur radio operators to facilitate communication among NERT teams, and between the NERT teams and MOES in an emergency.

6. There are no NERT teams in the neighborhoods of Bayview/Hunters Point, Ingleside, the Mission, Pacific Heights and the Western Addition. Mr. Lucier states that he is working with the Chamber of Commerce Community Representative to try to recruit community leaders to the NERT program in areas where the program does not have a presence yet.

7. Ms. Lorraine Lowe, the citizen representative on the San Francisco Disaster Council and former chair of the Neighborhood Preparedness Advisory Committee to the Disaster Council, indicates that besides involving neighborhood groups in responding to emergencies after they occur, there is a role for citizens in preparing for emergencies before they happen. Admiral Bitoff reports that the San Francisco Neighborhood Earthquake Preparedness Coalition (NEPC), a volunteer organization of neighborhood representatives, has installed a telephone and answering machine in the Emergency Command Center (ECC) office to answer citizen questions regarding earthquake preparedness measures that citizens can implement.

8. Admiral Bitoff also reports that space for meetings and training sessions is available at the ECC at 1003A Turk Street for neighborhood groups that have an emergency preparedness focus. The ECC has been used by groups such as the Volunteer Organization Active in Disasters, the Red Cross Disaster Council, and the Amateur Radio Coordinators' Committee. MOES staff participate in these meetings.

9. Frank Shober, MOES Emergency Services Coordinator, reports that NERT teams from the neighborhoods of Noe Valley and the Marina participated in the April 15 citywide emergency drill. Mr. Shober states that members of the Amateur Radio Coordinators' Committee also participated actively in the drill.

10. Lorraine Lowe states that MOES lacks sufficient staff to focus on providing public information and education on neighborhood and citizen preparedness. Ms. Lowe cites a report presented by the Neighborhood Preparedness Advisory Committee to the Disaster Council in October of 1991 that contains recommendations regarding implementation of a neighborhood preparedness program.

11. Admiral Bitoff advises that with a total of only three staff positions at MOES he is not able to undertake or implement a major new planning effort. Admiral Bitoff stated that the immediate priority of the MOES is to revise the City's Emergency Plan to take into account the lessons learned from the Loma Prieta earthquake and to make the newly-computerized plan easy for City departments to use.

#### **Comment**

A resolution which urges the Mayor to urge the Director of the Office of Emergency Services to adopt the findings and recommendations of the Neighborhood Preparedness Advisory Committee Report of October 1991 (File 270-92-4.1) was approved by the Board of Supervisors on March 29, 1993.

#### **Recommendation**

Approval of the proposed resolution to urge the Mayor to urge the Director of the Office of Emergency Services to prepare a plan for implementing a program of citizen participation in emergency services efforts at the neighborhood level is a policy matter for the Board of Supervisors.





Item 3 - File 121-93-7

1. The proposed ordinance would amend Article 15.2, Section 1070.16 of the San Francisco Police Code by permitting persons between the ages of 18 and 21 to enter, be, or remain in premises that are operated as cabarets if the premises do not have liquor licenses.

2. Article 15.2, Section 1070 of the Police Code defines a cabaret as any establishment to which patrons or members are admitted or allowed to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., which serves food or beverages (may include alcoholic beverages) or provides entertainment. However, the State Business and Professions Code prohibits any establishment from selling alcoholic beverages during the 2:00 a.m. to 6:00 a.m. hours when establishments are defined by the Police Code as cabarets. During the hours in which an establishment is legally considered a cabaret, no alcoholic beverages can be sold, but many establishments with cabaret licenses sell alcoholic beverages prior to 2:00 a.m.

3. Currently Article 15.2, Section 1070.16 of the Police Code prohibits persons under age 21 from entering or remaining on the premises after 2:00 a.m., when an establishment becomes a cabaret, whether or not the cabaret has a liquor license. (On Friday and Saturday nights there is half-hour grace period, until 2:30 a.m., for the departure of persons between the ages of 18 to 21.) The proposed ordinance would permit persons between the ages of 18 to 21 to enter or remain in a cabaret at all hours of operation of the cabaret if the establishment does not have a liquor license. In other words, if alcoholic beverages are not sold at a cabaret prior to the 2:00 a.m. cutoff for sales of alcoholic beverages because the cabaret lacks a liquor license, persons between the ages of 18 to 21 may enter or remain in the establishment during the 2:00 a.m. to 6:00 a.m. hours.

4. Officer Barbara Campagnoli of the Police Department's Permits office reports that, as of May 18, 1993 a total of 81 establishments have cabaret permits. Because State law prohibits the sale of alcoholic beverages after 2:00 a.m., the cabaret permit application does not reflect whether or not an establishment has a liquor license. However, Sergeant Steven Tocchini of the Police Department estimates that two-thirds, or 54 of the 81 establishments with cabaret permits also have liquor licenses. This would leave an estimated 27 establishments that would currently be effected by the proposed ordinance in that persons between the ages of 18 to 21 could enter or remain in the cabaret at all hours during which the cabaret is open. (Cabarets are licensed to be open from 2:00 a.m. to 6:00 a.m.)

5. Police Department Deputy Chief of Patrol Thomas Petrini reports that the Police Department generally enforces the current age restrictions by responding to complaints from neighbors of a cabaret or from parents of youthful patrons. Chief Petrini states that demands on police time would not be significantly changed by the proposed ordinance, as the Police Department would still have to enforce the new 18-year age limit for cabarets in premises that do not have liquor licenses, as well as the existing 21-year age limit for cabarets in premises that do have liquor licenses.

**Comment**

Mr. Burk Delventhal of the City Attorney's office advises that the City of San Francisco was sued two months ago by a cabaret located in a premises that did not have a liquor license in an attempt to restrain the Police from enforcing the restriction on allowing minors to remain after 2:00 a.m. The cabaret was denied a preliminary injunction. Mr. Delventhal states that while the cabaret could still take the case to trial, he believes it is very unlikely that the court would issue an injunction in this case. Mr. Delventhal advises that the ordinance regulating minors in cabarets is a classic example of a Police power decision that can be made by the Board of Supervisors.

**Recommendation**

Approval of the proposed ordinance, which would permit persons between the ages of 18 and 21 to enter, be or remain in premises that are operated as cabarets between 2:00 a.m. and 6:00 a.m. if the premises do not have a liquor license, is a policy matter for the Board of Supervisors.



Item 5 - File 30-93-8

1. This item is a resolution approving the San Francisco Master Plan entitled Reducing the Problems Caused by Alcohol and Other Drugs (Part 1 Needs Assessment Findings and Recommendations) for the term July 1, 1993 through June 30, 1996, as prepared by the Department of Public Health (DPH), Division of Mental Health and Community Substance Abuse Services (CSAS) for submission to the State of California, Department of Alcohol and Drug Programs; authorizing and directing the President of the Board of Supervisors to sign the Master Plan.

2. Beginning in July 1993, the State Department of Alcohol and Drug Programs is encouraging all counties to establish three-year planning cycles pertaining to a Master Plan to reduce local problems caused by alcohol and other drugs. The Master Plan would be effective from July 1, 1993 through June 30, 1996.

3. In 1988, Senate Bill 2599 was enacted to establish the Master Plan process to reduce local problems caused by alcohol and drugs. The State Department of Alcohol and Drug Programs is the administrator of this Master Plan process. The State is to coordinate the Master Plan process and to strongly encourage counties to participate in developing a Master Plan for their local communities. The State provides all participating counties with funds to offset the first year's costs for development of the Master Plan and for each subsequent year required for the development of the Master Plan. The amount of funding to be received is based on the size of the county. The DPH reports that for the first year of its Master Plan development (Fiscal Year 1991-92) it received approximately \$101,000 from the State. Additionally, the DPH received approximately \$54,000 in Fiscal Year 1992-93 for the continued development of the Plan. The DPH advises that approximately \$54,000 for Master Plan development has been included in the Department's Fiscal Year 1993-94 budget request to be funded by the State.

4. The San Francisco Master Plan: Reducing the Problems Caused by Alcohol and Other Drugs, Part I is the culmination of two years of work which began in May 1991. The Master Plan reflects the collaborative planning efforts between five service systems, 1) criminal justice, 2) education, 3) social services, 4) health and 5) the private sector. The first year of the Master Plan was a start-up period in which consultants were hired and recruitment of a Master Plan Advisory Body (MPAB) began. The MPAB consists of over 300 representatives from a variety of divisions within City Departments, substance abuse prevention and treatment programs, members of the substance abuse and mental health Advisory Boards, small businesses, the Mayor's Community Partnership Program, and other community members. The focus for the second year was a thorough needs assessment of the five service areas mentioned above. To conduct this needs assessment, the MPAB was divided into five teams, with each team assigned to focus on one of the five service areas previously noted. Each team was to research the problems, effects, and possible solutions relating to alcohol and drug abuse of its respective focus area and provide findings and recommendations.

5. As noted above, the findings and recommendations developed as a result of the needs assessment constitute the first phase of the Master Plan process. Phase two is implementing the plan. The findings and recommendations are the basis for an implementation plan currently being developed with policy makers, service administrators, service providers and community advisory bodies. The DPH will initiate the following four steps in working towards an implementation of phase two of the Master Plan: 1) Disseminate the Phase One Master Plan report for community response for implementation process input, 2) Present major findings of the Master Plan report to City departments and a private sector body, 3) Organize implementation work groups to review findings and recommendations and determine feasible goals and objectives for service collaboration, and 4) Produce an implementation plan document which incorporates goals and objectives for each of the service systems.

6. A complete copy of the San Francisco Master Plan is contained in the file.

### **Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Item 6 - File 12-93-3.1

1. The proposed resolution would advise the State of California's Department of Health Services (SDHS) of the City's interest in maintaining its options under the State's managed care initiative.

2. The SDHS is committed to the rapid expansion of managed care within the Medi-Cal program as a means of improving beneficiary access to quality preventive and primary health care services in a cost effective manner, consistent with directions from the Legislature and the Governor, as embodied in SB 485.

3. Currently, the Department of Public Health (DPH) provides health care on a fee-for-service basis, whereby Medi-Cal reimburses the City after the medical service has been rendered. For example, after a Medi-Cal patient is provided services at the Emergency Room at San Francisco General hospital (SFGH), SFGH bills Medi-Cal for eligible services provided and Medi-Cal reimburses the City (the State reimburses the City for services that have already been performed). Conversely, under a managed care delivery system, Medi-Cal would periodically pay to the City a "capitated payment" which is the sum of negotiated payment rates for all Medi-Cal beneficiaries that the City enrolls, without regard to the level and type of actual services that might eventually be provided (the State pays the City a fixed amount in advance, before any services are provided). Under a managed care system, Medi-Cal patients would be assigned a primary care provider, who provides basic care and decides when a referral to a specialist or admission to a hospital is necessary, without necessarily having to enter the Emergency Room at SFGH. The goal of a managed care delivery system is to eliminate inappropriate emergency room use and inappropriate specialty services, and provide an incentive for preventative care. However, because local primary care providers under a managed health care system, such as SFGH, agree to provide future medical services that may cost in excess of the capitated payment, the local primary care providers must bear the financial risk of providing services that in the aggregate may cost more than the total capitated payment received.

4. The SDHS released their Final Strategic Plan, "The Department of Health Services' Plan for Expanding Medi-Cal Managed Care" in April of 1993, mandating that there must be two managed care plans in each designated county. The first is a mainstream, private, nongovernmentally operated Health Maintenance Organization (HMO) plan. The second is a local initiative consisting of either a) a health care consortium, b) a County Organized Health System "look-a-like", or c) an alternative form. The three local initiative options of the second model are described as follows:

**Health Care Consortium** - An entity in which local groups having a valid interest or role in a proposed managed care plan model would share governance of an organization that is responsible for administering Medi-Cal managed care. This type of local initiative would not require Board of Supervisor approval.

**County Organized Health System "look-a-like"** - Federal law currently limits the number of County Organized Health Systems (COHS) in California (COHS is the formal name for a managed care system). The DPH advises that Federal law permits only five California counties to have a COHS. San Francisco is not one of them. The State has allowed counties who are not formally authorized to have a COHS to have the option of creating a system similar to the COHS model in terms of organization whereby the Board of Supervisors would establish an entity for the purposes of administering a locally developed full risk (responsible for every kind of care) managed care plan. However, the COHS "look-a-like" would not officially be considered a COHS.

**Alternative Form** - Any alternative system developed by local groups having a valid interest or role in a proposed managed care model that meet Federal and State laws. The DPH reports that this third option would allow the City greater flexibility in creating a managed care system for Medi-Cal recipients.

5. In the State's Final Strategic Plan, San Francisco is designated as one of 13 counties for managed care expansion providing the Board of Supervisors with the option of participating in the development of a local initiative to begin operating by March 31, 1995 or, if the Board of Supervisors elects not to participate, providing other interested parties with the option to develop the local initiative. If there is insufficient interest in the County in creating an initiative, the State would implement a contingency plan of contracting with two HMOs (two mainstream plans).

6. In the Fall of 1992, the traditional providers of care for Medi-Cal beneficiaries and the uninsured in San Francisco took the initiative to form a local leadership group made up of the DPH, the West Bay Hospital Conference, the San Francisco Medical Society, and the San Francisco Community Clinic Consortium, a non-profit agency, to guide planning efforts and to work collectively to identify an approach to managed care that would best meet the needs of San Franciscans. This group, according to the DPH, is developing an organizational structure of committees to select and create a local initiative. The local leadership group has evaluated the State's Final Strategic Plan, the deadlines imposed, and will address the needs to meet those deadlines.

7. Prior to the issuance of the Final Strategic Plan, the DPH had outlined five major concerns with the SDHS Draft Strategic Plan. Although the DPH reports that progress on these issues has been made in negotiations with the State, the DPH is still cautions about these issues:

- **Time for Development and Implementation** - The DPH reports that the State has extended the implementation time frame for a managed care program for Medi-Cal services from four to six months to two years. The Final Strategic Plan requires County Boards of Supervisors to advise the State of their interest in participating in a local initiative by July 1, 1993 through a general letter of interest. Boards of Supervisors then have until September 30, 1993 to execute a formal letter



of intent to the State which must reflect a commitment to satisfy contracting guidelines as outlined in the Final Strategic Plan. The system would ultimately be in place by March 1995.

• Provisions for Local Resources to Develop the Strategic Plan - The DPH estimates that one-time costs associated with a management information system for a conversion to managed care would cost San Francisco approximately \$1 million. The DPH is requesting \$1 million in funds for this management information system in the Department's Fiscal Year 1993-94 budget request. Ms. Teresa Lee of the Mayor's Budget Office states that the Mayor's Office will include an amount for DPH's management information system for the Department's conversion to managed care in the Mayor's recommended 1993-94 budget but the exact amount to be included has not yet been determined. In addition, developing a new managed care system will require additional resources for developing a new system of operation and for monitoring patient care to ensure that the level of services provided are sufficient for the patients' needs. According to Ms. Carol Piccione of the DPH, DPH has not yet estimated all of the potential cost and service impacts of the proposed managed care system. However, Ms. Piccione advises that the State is not offering resources to any county to assist with the expansion of managed care Medi-Cal services.

• Providing Health Care to the Indigent - SB 855 provides a mechanism for supplemental payment to disproportionate share hospitals (hospitals that admit higher than average Medicaid and low income patients) such as SFGH. The DPH is concerned that the Final Strategic Plan may not fully address the potential for losses of SB 855 funds.

• Other Concerns - The DPH reports that the Final Plan somewhat addresses DPH concerns regarding the viability of traditional and safety net providers in the new managed care system but concerns still remain as to their role in a new managed care system. The DPH advises that it is concerned about minimum and maximum enrollment formulas and disproportionate payment protections. However, Ms. Piccione states that in comparison with the Draft Plan, the Final Plan is more clear and allows counties more flexibility in developing a managed care system for Medi-Cal recipients to meet their needs.

8. The State's plan requires that Boards of Supervisors, in regions designated for expansion, advise the SDHS, by July 1, 1993, of their interest in developing a local initiative and demonstrate substantial support from traditional Medi-Cal providers (those which historically have delivered Medi-Cal services to beneficiaries such as profit, non-profit, public and private medical and hospital providers) and safety net providers (those clinical providers that provide comprehensive primary care and/or are hospitals providing acute in-patient services to the medically indigent and special needs segment of the State's population such as community and university hospitals).

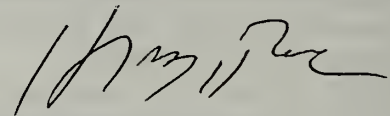


### Comment

Ms. Piccione advises that approval of the proposed resolution by the Board of Supervisors would result in formal notification to the SDHS of San Francisco's interest in participating in a local initiative as required by the State's mandate but does not specify which of the three local initiative options San Francisco will eventually select (this final selection must be made by Spring of 1994 in accordance with the SDHS Final Strategic Plan). If the Board of Supervisors decides it is not in the best interests of the City to participate in one of the three local initiative options as mandated by the State, and does not respond to the SDHS by July 1, 1993, the State provides that any local groups interested in such an initiative may express their interest in developing a local initiative, of either a Health Care Consortium or an Alternative Form for San Francisco, to the SDHS by August 31, 1993. If no such group responds in favor of a local initiative, in order to have two managed care plans, the State will contract with two HMOs instead of just one HMO because the county and local agencies cannot provide the required, second managed care plan. If there are not two HMOs interested in contracting, the State will continue trying to find local interest in a local initiative option under the State's two plan mandate.

### Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Conroy  
Supervisor Hallinan  
President Alioto  
Supervisor Achtenberg  
Supervisor Bierman  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Barbara Kolesar  
Ted Lakey

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CALENDAR - Actions Taken

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, MAY 25, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS CONROY AND HALLINAN

ABSENT: SUPERVISOR SHELLEY

CLERK: GAIL JOHNSON

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MAY 26 1993

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1. File 207-93-9. Hearing to consider the issue of public safety in the Visitacion Valley area. (Supervisor Shelley)

ACTION: Hearing held. Continued to the Call of the Chair.

2. File 270-93-1. [Emergency Services] Resolution urging the Mayor to urge the Office of Emergency Services to prepare and submit to the Mayor and the Board of Supervisors a plan for implementing a program of citizen participation in emergency service efforts throughout the City's neighborhoods. (Supervisor Alioto)

(Continued from 4/27/93)

ACTION: Continued to the Call of the Chair (at the request of sponsor.)

3. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets but that do not have liquor licenses. (Supervisors Hallinan, Alioto)

ACTION: Hearing held. Continued to June 22, 1993, meeting.

4. File 207-93-5. [Police Department] Resolution urging the Mayor to assist the San Francisco Police Department in setting up a Serious Habitual Offender Program and to seek funds from the Governor's Office of Criminal Justice Planning. (Supervisor Conroy)

(Continued from 5/11/93)

ACTION: Continued to the Call of the Chair (at the request of sponsor.)

5. File 30-93-8. [Master Plan to Reduce Alcohol and Drug Use, Part I] Resolution approving the San Francisco Master Plan; reducing the problems caused by alcohol and other drugs (Part I Needs Assessment Findings and Recommendations) for the term July 1, 1993 through June 30, 1996 as prepared by the Department of Public Health, Division of Mental Health and Substance Abuse Service for submission to the State of California, Department of Alcohol and Drug Programs; authorizing and directing the President of the Board to sign said plan. (Department of Public Health)

ACTION: Hearing held. Recommended.

6. File 12-93-3.1. [Managed Care] Resolution advising the State of California's Department of Health Services of the City and County of San Francisco's interest in maintaining its options under the State's managed care initiative. (Supervisor Shelley)

ACTION: Amendment of the Whole adopted. Recommended as amended. New title: "Advising the State of California's Department of Health Services of the City and County of San Francisco's interest in maintaining its options under the State's managed care initiative; and endorsing a planning process for implementation."



CITY AND COUNTY



OF SAN FRANCISCO

## BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

June 4, 1993

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JUN 7 1993

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TO: Health, Public Safety and Environment Committee

FROM: Budget Analyst *Recommendations.*

SUBJECT: June 8, 1993 Health, Public Safety and Environment Committee Meeting

Item 1 File 121-93-8

1. The proposed ordinance would amend Part II Chapter VIII of the San Francisco Municipal Code (Police Code) by adding Article 43 thereto, relating to harassment of persons seeking access to Health Care Facilities.

2. The proposed ordinance includes the following findings of the Board of Supervisors:

(1). Every person in the City and County of San Francisco has a basic and fundamental right to privacy protected by the United States Constitution and guaranteed in California's Constitution, including the right to seek and obtain all health care services permitted under the laws of this State. Central to this right is the need to secure access to all reproductive health care services. Access to these services is not only important to the individual, but also to the health and welfare of all citizens of San Francisco. As such, intentional efforts to harass an individual in order to deter or prevent the individual from exercising his or her right to seek and obtain health care services is contrary to the interests of the people of San Francisco.

(2). For many people seeking access to medical treatment, being forced to run a gauntlet of protesters who intend to deter or impede access to the health care facility can be directly injurious to the person's health, even if the person is not physically barred from entry. Other persons may be sufficiently intimidated to put off

necessary or timely medical treatment entirely. Further, protests at the entrance to health facilities in the City have often disrupted the operation of the facilities, as well as the ability of individuals to seek and obtain services within the facilities.

(3). In adopting the proposed ordinance, the Board of Supervisors recognizes both the fundamental constitutional right to assemble peaceably and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. The Board finds that law enforcement officers often have difficulty determining when the exercise of the right to protest violates the competing right of those seeking access to health care facilities. Further, the provisions of this ordinance promote the full exercise of these rights and strike an appropriate accommodation between them. The failure of the Board to take steps to accommodate these competing interests may jeopardize the exercise of both privacy and First Amendment rights.

(4). The buffer zone (see Point 3, below) outside of health care facilities established by this legislation ensures that individuals have unimpeded access to medical services without unduly impairing the ability of demonstrators to communicate their message to their intended audience.

(5). This ordinance is not intended to create any limited, designated, or general public forums for the exercise of free speech. Rather it is intended to protect those who seek access to health care from conduct which violates their rights.

3. The proposed ordinance would prohibit harassment of an individual seeking access to, or passage from a health care facility by creating a "buffer zone" or sphere of protection outside of the facility, when that individual is within 100 feet of an exterior wall of a health care facility. Such a buffer zone would be delineated by an eight foot radius extending in all directions from the individual seeking access to or from a health facility. Failure to leave the buffer zone and withdraw to a distance of at least eight feet upon request of the individual, would constitute a violation of the proposed ordinance. A person who commits a violation would be guilty of a misdemeanor, punishable by imprisonment in the County jail and/or a fine as follows: (1) up to three months in County jail and/or a fine of up to \$500 for the first conviction and (2) up to six months in County jail and/or a fine of up to \$1,000 for subsequent convictions.

### **Comment**

Mr. John Kaye of the Fiscal Division of the Police Department reports that the Police Department's Legal Division advises that the proposed ordinance may be difficult to enforce in practice because of the difficulty for Police Officers to determine precisely whether the individual seeking to access a health care facility was within 100 feet of the facility and that the



**Memo to Health, Public Safety and Environment Committee  
June 8, Health, Public Safety and Environment Committee Meeting**

eight foot radius constituting the buffer zone was violated. Mr. Kaye also advises that if the proposed ordinance results in additional court cases, it would have an undetermined fiscal impact on the Police Department.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Memo to Health, Public Safety and Environment Committee  
June 8, 1993 Meeting of Health, Public Safety and Environment Committee

Item 2 - File 207-93-11.1

1. This item is a hearing to consider the Board of Supervisors going on record opposing the closure of the Park Police Station as a precinct station.

2. Currently, approximately one half of the space at the Park Station is occupied by the a district precinct patrol function and the other half of the space is occupied by the parks and beaches patrol unit. The Police Department is considering moving the Headquarters Unit (also known as the Crime Prevention Unit and the Tactical Unit), currently housed in rented trailers at 18th Avenue and Clement Street, into Park Station. The Headquarters Unit includes the horse patrol unit, the trail motorcycle (Honda) patrol unit, the explosive ordinance disposal (bomb disposal) unit and the SWAT unit.

3. The neighborhood patrol function and the Police Officer positions currently stationed at the Park Station would be redeployed to the neighboring Police Stations whose patrol territories would be expanded to include the territory currently served by the Park Station. According to Captain Tom Suttmeier, of the Police Department, a Captain and four Lieutenant positions would no longer be necessary to perform the Park Station Watch Command functions and would be eliminated (annual salary and fringe benefits savings for the five positions would total approximately \$469,000).

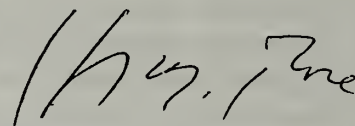
4. The Headquarters Unit had to vacate its last permanent location at the Valencia facility because the Valencia facility is to be rebuilt as the new Mission Station. The Police Department rents the trailers that are temporarily parked on Recreation and Park Department property at 18th Avenue and Clement Street for approximately \$10,000 annually. However, the Recreation and Park Department has indicated that this property will be required for other purposes within the next six to 12 months and the Headquarters Unit will have to move again. The Police Department's current plan is to move the Headquarters Unit into the Park Station.

5. In 1987, a \$28 million General Obligation Bond issue was approved (Proposition A) to provide funding for "the replacement, relocation or renovation of ten Police Department buildings." Proposition A further stated that "This proposition would not change the number of police stations in the City." Proceeds of the 1991 second bond sale of the Proposition A bonds includes funding for renovation and construction at the Bayview, Central, Mission, Taraval, Richmond and Park Stations. Captain Suttmeier reports that seismic strengthening and general renovations using Proposition A funding are scheduled for Park Station regardless of which Police Department units are finally selected to occupy Park Station.



Memo to Health, Public Safety and Environment Committee  
June 8, 1993 Meeting of Health, Public Safety and Environment Committee

6. Police Officer David Ambrose, Police Department Information Officer, stresses that although the deployment of the command of patrol functions for the territory currently served by the Park Station precinct patrol function will be divided between the neighboring Police Stations, all actual patrol functions will continue uninterrupted. According to Officer Ambrose, although Park Station would be occupied by the Headquarters Unit, the counter/desk services would continue to operate 24 hours a day with a constant communications link to the neighboring Police Stations that will actually direct the patrol activities within the territory currently served by Park Station. Both Captain Suttmeier and Officer Ambrose indicate that the Police presence in the Park Station territory will actually be enhanced because of the added presence of the Headquarters Unit (horse patrol, Honda patrol, SWAT team, etc.) in the area, in addition to the regular patrol function.

  
Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Conroy  
Supervisor Hallinan  
President Alioto  
Supervisor Bierman  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Leal  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Barbara Kolesar  
Ted Lakey

## C A L E N D A R

### MEETING OF HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JUNE 8, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS HALLINAN AND LEAL

ABSENT: SUPERVISOR SHELLEY

CLERK: GAIL JOHNSON

DOCUMENTS DEPT.

JUN 11 1993

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1. File 121-93-8. [Access to Health Care Facilities] Ordinance amending Part II, Chapter VIII of the San Francisco Municipal Code (Police Code) by adding Article 43 thereto, relating to harassment of persons seeking access to health care facilities. (Supervisors Shelley, Achtenberg, Alioto, Bierman, Hallinan, Hsieh, Kaufman, Migden)

ACTION: Continued to the Call of the Chair (at the request of sponsor).

2. File 207-93-11.1. Hearing to consider the Board of Supervisors going on record opposing the closure of the Park Station as a precinct station. (Supervisors Hallinan, Maher, Bierman)

ACTION: Hearing held. Resolution prepared in and reported out of Committee. Entitled: "[Park Police Station] Urging the Mayor to urge the Police Commission to abandon plans to convert Park Station from a neighborhood police station to a platoon within the Crime Prevention Company." Recommended.

3. File 108-93-2. Hearing to consider HIV and women. (Supervisor Alioto)

ACTION: Hearing held. Continued to July 13, 1993, meeting.

4. File 118-93-4. [Lead Hazard Reduction Advisory Committee] Ordinance amending Part II, Chapter V of the San Francisco Municipal Code (Health Code) by amending Section 1608, to add two additional members to the Lead Hazard Reduction Citizens Advisory Committee. (Supervisor Bierman)

ACTION: Hearing held. Recommended.

5. File 13-93-16. [Gun Control] Resolution endorsing the Brady Bill, which would establish a national five business day waiting period for handgun purchases and require local law enforcement officials to conduct a background check on all handgun purchasers. (Supervisor Shelley)

ACTION: Recommended.





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93  
CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

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June 18, 1993

**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst *Recommendations*  
**SUBJECT:** June 22, 1993 Health, Public Safety and Environment Committee Meeting

Item 1 File 121-93-8

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of June 8, 1993.

1. The proposed ordinance would amend Part II Chapter VIII of the San Francisco Municipal Code (Police Code) by adding Article 43 thereto, relating to harassment of persons seeking access to Health Care Facilities.

2. The proposed ordinance includes the following findings of the Board of Supervisors:

(1). Every person in the City and County of San Francisco has a basic and fundamental right to privacy protected by the United States Constitution and guaranteed in California's Constitution, including the right to seek and obtain all health care services permitted under the laws of this State. Central to this right is the need to secure access to all reproductive health care services. Access to these services is not only important to the individual, but also to the health and welfare of all citizens of San Francisco. As such, intentional efforts to harass an individual in order to deter or prevent the individual from exercising his or her right to seek and obtain health care services is contrary to the interests of the people of San Francisco.

(2). For many people seeking access to medical treatment, being forced to run a gauntlet of protesters who intend to deter or impede access to the health care facility can be directly injurious to the person's health, even if the person is not physically barred from entry. Other persons may be sufficiently intimidated to put off necessary or timely medical treatment entirely. Further, protests at the entrance to health facilities in the City have often disrupted the operation of the facilities, as well as the ability of individuals to seek and obtain services within the facilities.

(3). In adopting the proposed ordinance, the Board of Supervisors recognizes both the fundamental constitutional right to assemble peaceably and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. The Board finds that law enforcement officers often have difficulty determining when the exercise of the right to protest violates the competing right of those seeking access to health care facilities. Further, the provisions of this ordinance promote the full exercise of these rights and strike an appropriate accommodation between them. The failure of the Board to take steps to accommodate these competing interests may jeopardize the exercise of both privacy and First Amendment rights.

(4). The buffer zone (see Point 3, below) outside of health care facilities established by this legislation ensures that individuals have unimpeded access to medical services without unduly impairing the ability of demonstrators to communicate their message to their intended audience.

(5). This ordinance is not intended to create any limited, designated, or general public forums for the exercise of free speech. Rather it is intended to protect those who seek access to health care from conduct which violates their rights.

3. The proposed ordinance would prohibit harassment of an individual seeking access to, or passage from a health care facility by creating a "buffer zone" or sphere of protection outside of the facility, when that individual is within 100 feet of an exterior wall of a health care facility. Such a buffer zone would be delineated by an eight foot radius extending in all directions from the individual seeking access to or from a health facility. Failure to leave the buffer zone and withdraw to a distance of at least eight feet upon request of the individual, would constitute a violation of the proposed ordinance. A person who commits a violation would be guilty of a misdemeanor, punishable by imprisonment in the County jail and/or a fine as follows: (1) up to three months in County jail and/or a fine of up to \$500 for the first conviction and (2) up to six months in County jail and/or a fine of up to \$1,000 for subsequent convictions.

**Comment**

Mr. John Kaye of the Fiscal Division of the Police Department reports that the Police Department's Legal Division advises that the proposed ordinance may be difficult to enforce in practice because of the difficulty for Police Officers to determine precisely whether the individual seeking to access a health care facility was within 100 feet of the facility and that the eight foot radius constituting the buffer zone was violated. Mr. Kaye also advises that if the proposed ordinance results in additional court cases, it would have an undetermined fiscal impact on the Police Department.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.





**Memo to Health, Public Safety and Environment Committee**  
**June 22, 1993 Health, Public Safety and Environment Committee Meeting**

**Item 2 - File 121-93-7**

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of May 25, 1993.

1. The proposed ordinance would amend Article 15.2, Section 1070.16 of the San Francisco Police Code by permitting persons between the ages of 18 and 21 to enter, be, or remain in premises that are operated as cabarets if the premises do not have liquor licenses.

2. Article 15.2, Section 1070 of the Police Code defines a cabaret as any establishment to which patrons or members are admitted or allowed to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., which serves food or beverages (may include alcoholic beverages) or provides entertainment. However, the State Business and Professions Code prohibits any establishment from selling alcoholic beverages during the 2:00 a.m. to 6:00 a.m. hours when establishments are defined by the Police Code as cabarets. During the hours in which an establishment is legally considered a cabaret, no alcoholic beverages can be sold, but many establishments with cabaret licenses sell alcoholic beverages prior to 2:00 a.m.

3. Currently Article 15.2, Section 1070.16 of the Police Code prohibits persons under age 21 from entering or remaining on the premises after 2:00 a.m., when an establishment becomes a cabaret, whether or not the cabaret has a liquor license. (On Friday and Saturday nights there is half-hour grace period, until 2:30 a.m., for the departure of persons between the ages of 18 to 21.) The proposed ordinance would permit persons between the ages of 18 to 21 to enter or remain in a cabaret at all hours of operation of the cabaret if the establishment does not have a liquor license. In other words, if alcoholic beverages are not sold at a cabaret prior to the 2:00 a.m. cutoff for sales of alcoholic beverages because the cabaret lacks a liquor license, persons between the ages of 18 to 21 may enter or remain in the establishment during the 2:00 a.m. to 6:00 a.m. hours.

4. Officer Barbara Campagnoli of the Police Department's Permits office reports that, as of May 18, 1993 a total of 81 establishments have cabaret permits. Because State law prohibits the sale of alcoholic beverages after 2:00 a.m., the cabaret permit application does not reflect whether or not an establishment has a liquor license. However, Sergeant Steven Tocchini of the Police Department estimates that two-thirds, or 54 of the 81 establishments with cabaret permits also have liquor licenses. This would leave an estimated 27 establishments that would currently be effected by the proposed ordinance in that persons between the ages of 18 to 21 could enter or remain in the cabaret at all hours during which the cabaret is open. (Cabarets are licensed to be open from 2:00 a.m. to 6:00 a.m.)

5. Police Department Deputy Chief of Patrol Thomas Petrini reports that the Police Department generally enforces the current age restrictions by responding to complaints from neighbors of a cabaret or from parents of youthful patrons. Chief Petrini states that demands on police time would not be significantly changed by the proposed ordinance, as the Police Department would still have to enforce the new 18-year age limit for cabarets in premises that do not have liquor licenses, as well as the existing 21-year age limit for cabarets in premises that do have liquor licenses.

### **Comment**

Mr. Burk Delventhal of the City Attorney's office advises that the City of San Francisco was sued two months ago by a cabaret located in a premises that did not have a liquor license in an attempt to restrain the Police from enforcing the restriction on allowing minors to remain after 2:00 a.m. The cabaret was denied a preliminary injunction. Mr. Delventhal states that while the cabaret could still take the case to trial, he believes it is very unlikely that the court would issue an injunction in this case. Mr. Delventhal advises that the ordinance regulating minors in cabarets is a classic example of a Police power decision that can be made by the Board of Supervisors.

### **Recommendation**

Approval of the proposed ordinance, which would permit persons between the ages of 18 and 21 to enter, be or remain in premises that are operated as cabarets between 2:00 a.m. and 6:00 a.m. if the premises do not have a liquor license, is a policy matter for the Board of Supervisors.



Item 4 - File 258-92-1

This item concerns a hearing to consider the cost of implementation and enforcement of the Americans with Disabilities Act of 1990 (ADA).

1. The ADA requires state and local governments to ensure that persons with disabilities are not excluded from or denied the benefits of public services, programs or activities ("program accessibility"). It also prohibits state and local governments from discriminating in employment against persons with disabilities. The ADA was effective as to state and local governments on January 26, 1992. Ms. Miriam Morley of the City Attorney's Office reports that the City's responsibilities under the ADA include ensuring that City programs are accessible by, for example, providing written materials in alternative formats (such as Braille or large type), providing sign language interpreters at public meetings upon request, and making structural changes necessary to provide physical access to City programs. Ms. Morley reports that the program accessibility requirements of ADA took effect on January 26, 1992 and the City has been required to be in compliance since that date. Ms. Morley also indicates that the City is required to make structural changes to comply with the program accessibility requirements of ADA as soon as practicable, but no later than January 26, 1995.

2. Mr. Paul Imperiale, the Mayor's Disability Coordinator, states that the Mayor's Office has implemented a program of self-evaluation by City departments to assess the extent to which City programs, services and activities currently comply with the program accessibility requirements of ADA. Departments have been asked to assess whether their physical facilities as well as the content of their services and programs are accessible to persons with disabilities.

3. Mr. Imperiale states that the content of the City's programs and services has generally been found to be accessible to persons with disabilities. ADA requires that the City provide services upon request in an appropriate alternative format, such as braille, large-print, or audio formats for persons with visual impairments. The City must provide public notice of the availability of alternative formats and provide such formats to persons with disabilities upon request.

However, Mr. Imperiale states that improvements are still needed in the provision of services to hearing-impaired persons and in ensuring the accessibility of public meetings. In particular, Mr. Imperiale states that American Sign Language (ASL) interpreters will increasingly be needed at public meetings on behalf of hearing-impaired persons. Although an exact estimate of the cost of such services will depend on the extent of utilization, Mr. Imperiale states that the annual cost of ASL interpreters City-wide is expected to be at least \$20,000 in 1993-94. In addition, Mr. Imperiale reports that 40 to 50 City departments, those with significant telephone contact with the public, will be required to purchase telecommunications devices for the deaf (TDDs), at a cost of approximately \$250 each for a total cost of up to \$12,500 for TDDs.

Except for the cost of ASL interpreters and TDDs and the cost of structural improvements (which are discussed separately below), Mr. Imperiale reports that the effective delivery of City services to persons with disabilities can be ensured largely through additional education and training of City employees in serving persons with disabilities. Since January, 1990, Mr. Imperiale reports that he has conducted more than 86 workshops to train City employees to improve disability access to City programs. The Mayor has required each department head to appoint a departmental ADA coordinator for his or her department who will receive ongoing training through the Mayor's Office and oversee the implementation of ADA requirements within each City agency.

#### Structural Changes to City Facilities

4. Mr. Richard Skaff, the City's Disability Access Coordinator in the Department of Public Works, reports that the most costly accessibility provisions of ADA are those which will require the renovation of City facilities to ensure physical access to City programs and services by persons with disabilities. According to Mr. Skaff, the City is required to evaluate the physical accessibility of all buildings which are owned or operated by the City, including buildings leased by the City which house public services. If access to any facility is found to be deficient, the City is required to modify the facility or transfer the program to an accessible site.

5. Mr. Skaff and Mr. Steve Nelson of the CAO's Office have indicated that many recent renovations of City buildings have incorporated disability access improvements, but that some of these improvements were done prior to publication of ADA requirements, and therefore the buildings where renovations have already occurred will need to be surveyed to ensure full compliance. The disability access improvement projects which have already begun, and the sources and amounts of funds appropriated in fiscal years 1990-91 through 1992-93 for these projects, are as follows:

<u>Department</u>	<u>Project/Facility</u>	<u>Source of Funds</u>	<u>Amount</u>
Convention Facilities	Brooks Hall & Civil Auditorium	Convention Facilities Fund	\$350,000
Department of Public Works	Various Projects	General Fund	350,000
	Curb Ramp Program	Spcl Gas Tax Street Imp. Fund	193,000
Department of Public Health	Auditorium Stage Platform Ramps	General Fund	25,500
Recreation and Park	Various Projects	Open Space Fund	150,000
War Memorial	Opera House access	War Memorial Special Fund	204,800
	Master Plan: Davies and Zellbach	War Memorial Special Fund	39,500
Chief Administrative Officer	City Hall Disability Access	General Fund Projects	250,000
	Emergency Reserve	General Fund Projects	<u>250,000</u>
	Total		\$1,812,800



**Memo to Health, Public Safety and Environment Committee**  
**June 22, 1993 Health, Public Safety and Environment Committee Meeting**

6. According to Mr. Imperiale, some of the \$11.1 million already budgeted for bond-funded seismic improvements to City buildings will be used for disability access in those buildings. Of these funds, \$250,000 has been set aside as an emergency reserve to modify City facilities in response to specific complaints concerning inadequate disability access. The bond funded projects are as follows:

1989 Earthquake Safety Bonds	
Fire Stations, Academy of Sciences, Legion of Honor	2,700,000
1990 Earthquake Safety Bonds	
Opera House, Veteran's Building, City Hall, 101 Grove Street, Civic Auditorium, Public Library facilities, Hall of Justice, Davies Hall, Music Concourse, 150/170 Otis Street, Marina Green restrooms and docks	4,430,000
1992 Fire Department Bond Issue - 29 facilities	2,132,000
Department of Public Health - reserve account	<u>75,000</u>
Bond funded projects which include disability access	\$9,337,000

7. To ensure compliance with ADA, Mr. Skaff and Mr. Nelson report that the Bureau of Architecture has undertaken a survey of City-owned buildings which house General Fund programs, to evaluate whether they meet the physical accessibility requirements of ADA and any other Federal and State laws. Mr. Nelson reports that \$300,000 was appropriated to the Bureau of Architecture in 1992-93 to conduct the surveys, which are expected to be completed by September, 1993, and which will involve approximately 500 City-owned buildings. Thus far, 150 City-owned buildings have been surveyed. The survey will not include program sites leased by the City, nor facilities operated by non-General Fund departments, such as the Airport and the Municipal Railway. The Recreation and Park Department hired a contractor who has surveyed all of its facilities. Mr. Nelson and Ms. Morley state that the surveys of City-owned buildings which are currently being conducted by the Bureau of Architecture are based on the most restrictive requirements of State and Federal law.

8. Mr. Nelson reports that estimates have not yet been prepared of the cost of renovating City-owned buildings, because the cost of the renovations will depend on the results of the Bureau of Architecture surveys and an analysis of accessibility requirements for each program in the buildings surveyed. Mr. Nelson also reports that \$100,000 is included in the proposed 1993-94 capitol budget for disabled access renovation and \$10 million is included for general disability related construction purposes. Mr. Imperiale states that funds are not available under the ADA from Federal or State sources for the cost of disability access renovations to City buildings.

9. Mr. Harry Quinn, Assistant Director of Property, states that the Real Estate Department has been incorporating ADA requirements "to the extent possible" in efforts to lease new facilities for City agencies, although not all buildings being leased by the City currently comply with the accessibility



requirements of ADA. In addition, Mr. Quinn reports that the Department of Real Estate, in conjunction with individual departments, has been preparing disability access checklists for the City's existing leased facilities. However, evaluations of existing leased facilities and potential new facilities have been conducted by employees in the Department of Real Estate and departmental representatives, and not by architects or others who specialize in disability access requirements, according to Mr. Quinn. Mr. Quinn reports that the Department of Real Estate has not received any funding to implement ADA requirements for the City's leased facilities.

Mr. Quinn states that any renovations required under ADA for the City's leased facilities are the responsibility of the property owner, rather than the City. Mr. Quinn states that if the property owner is unwilling to make necessary renovations, the Department of Real Estate will seek alternative locations for new leases. Mr. Quinn states that some existing facilities have been modified by property owners to provide disability access, but that the Department of Real Estate has met considerable resistance in seeking disability access renovations, since the costs of such renovations can be considerable.

10. Mr. Skaff reports that the Bureau of Building Inspection (BBI), which is responsible to review building plans and specifications for compliance with building codes, does not currently review building plans submitted for private or public projects for compliance with ADA, but only for disability access requirements of State law. Mr. Skaff states that review of all ADA requirements will be incorporated into the review procedures of BBI when the proposed new code package of the Office of the State Architect, which incorporates ADA guidelines into State codes, is adopted by the State Building Standards Commission. That code package may be adopted in 1993.

#### Airport Facilities

11. Mr. Dave Decherd of the Airport reports that the Airport appointed a special Task Force to conduct a comprehensive survey of Airport facilities in response to the disability access requirements of ADA. The Task Force has developed a series of preliminary recommendations to enhance physical access to Airport facilities by disabled persons. Mr. Decherd reports that the recommendations have been submitted to the Airport Director for review, who will present them in final form to the Airports Commission. If adopted by the Airports Commission, the improvements would be implemented by the Facilities Operations and Maintenance Division using Airport funds, according to Mr. Decherd. The Airport budgeted \$460,000 in 1992-93 for the cost of disability access improvements, but Mr. Decherd states that this amount will not be sufficient to fund all of the accessibility improvements recommended by the Task Force. The Task Force recommendations primarily reflect minor modifications to existing facilities, and do not require large construction projects, according to Mr. Decherd. Mr. Decherd also states that full implementation of the Task Force recommendations will be a major expense in an estimated amount of \$2,824,000. The Airport has established a target completion date of January 1, 1995.

Public Transit

12. ADA requires public transit agencies to enhance access to any buses which it operates, by procuring new transit vehicles which are accessible by persons with disabilities. ADA does not require that all existing transit vehicles be modified for disabled access. Ms. Annette Williams of the Municipal Railway (MUNI) states that California law has required disabled access on new transit vehicles since the early 1980's, that MUNI's current procurement policies reflect these requirements, and therefore compliance with the ADA specifications for new transit vehicles will not impose significant new responsibilities or additional costs.

13. In addition, ADA requires transit agencies to provide paratransit services, comparable to the transit services provided to the general public, to persons with disabilities who are unable to use existing fixed route services. ADA requirements concerning the provision of paratransit services took effect January 26, 1992. Ms. Williams states that paratransit services will be in full compliance by January 26, 1997. There is a five year implementation period for paratransit services.

Ms. Williams states that MUNI currently provides extensive paratransit services (875,000 trips in 1991-92), but that additional paratransit services will be needed to comply with ADA in the future, as additional riders are certified as qualified for paratransit service. Ms. Williams states that approximately \$500,000 in additional County Transportation Authority funds will be allocated annually for paratransit services, since 8 percent of the City's 1/2 cent sales tax revenues are set aside for paratransit services. In addition, Ms. Williams states that MUNI is eligible to apply for approximately \$450,000 annually in new State Transit Assistance funds, retroactive over the past two years, for total eligibility of approximately \$1.35 million, and that MUNI applied for \$461,000 in fiscal year 1992-93 and is planning to apply for the remaining funds in FY 1993-94.

14. ADA will also require MUNI to improve access for persons with disabilities to the MUNI-METRO light rail system at "key stations." Key stations were designated as part of an ADA-mandated planning process which MUNI completed in July, 1992. Ms. Williams reports that MUNI currently provides accessibility to 18 stations in the MUNI-METRO system, but that these stations will require further modifications, and 19 additional key stations must be constructed to comply with ADA. Ms. Williams states that this project will cost approximately \$7.5 million and that MUNI has applied for Federal funding for the project; if approved, however, Federal funding would require a local match of 10 to 20 percent, or \$750,000 to \$1.5 million.

ADA requires transit properties to implement the key station requirements of ADA "as soon as practicable," but not later than July 25, 1993. However, ADA provides that this time limit may be extended up to 30 years by the U.S. Department of Transportation due to the need for "extraordinarily expensive structural changes" to existing facilities. Ms. Williams reports that MUNI has



requested an extension until December, 1996 to implement the key station disability access requirements.

Ms. Williams reports that MUNI anticipates that even with the additional funds they will not be able to fully comply with the requirements of ADA and that MUNI has hired a consultant to assist MUNI in seeking additional revenues. Ms. Williams also states that MUNI has established a seven year timetable to obtain additional revenues.

### Streets and Sidewalks

15. Mr. Skaff reports that three disability access laws (California Title 24, the Uniform Federal Accessibility Standards, and ADA) all require that public sidewalks be fully accessible to persons with disabilities, including specifications for curb ramp design and construction. Mr. Skaff states that in 1991, DPW embarked on a City-wide curb ramp program and implemented curb ramp design standards which incorporate the most restrictive sections from State and Federal laws.

Mr. Skaff reports that, at the present time, 2,500 of the City's 30,000 "angular" street corners have been surveyed for compliance with disability access requirements, and of those surveyed, 1,625 new or replacement curb ramps have been installed to current design standards.

Ms. Karen Gelman of DPW reports that the total cost of expanding the curb ramp program to comply with ADA is estimated to be approximately \$15 million. DPW has received \$900,000 for fiscal years 1991-92 and 1992-93 in 1/2 cent sales tax revenues allocated by the County Transportation Authority, and has been notified that it will receive an additional \$100,000 on June 21, 1993 for fiscal year 1993-94. DPW has been notified that it will receive \$1 million in Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds over the next two years and \$200,000 in State Transportation Development Act (TDA) funds for 1992-93. DPW has requested \$1.3 million in Federal ISTEA funds for fiscal year 1994-95 and plans to apply for additional TDA funds for fiscal year 1993-94 in an unknown amount. Therefore, the remaining unfunded cost of the curb ramp program is approximately \$12 million, according to Ms. Gelman.

### Non-Discrimination in Employment

16. As an employer, the City is subject to the provisions of ADA which prohibit employment discrimination against persons with disabilities. Effective July 26, 1992, the City is required not to discriminate in its hiring, examination, promotion, training, review, and dismissal procedures, nor in any other "terms, conditions, and privileges of employment." ADA defines employment discrimination to include, among other things, an employer's failure to make "reasonable accommodation" to persons with disabilities in order that they may perform job-related duties, or the use of selection criteria which tend to "screen out" individuals with disabilities.



17. Ms. Vicki Clayton of the City Attorney's Office states that San Francisco has had a long-standing policy prohibiting employment discrimination against persons with disabilities, and that significant changes in the City's examination and hiring procedures will not be required under ADA. Mr. Skaff notes that the City currently administers the "Rule 34" program, which provides that persons with disabilities may be exempt from Civil Service examination requirements for entry-level positions, and may become permanent Civil Service employees after successfully completing a series of three performance reviews in the first year of employment.

18. Ms. Clayton states that ADA will require the City to implement more comprehensive guidelines to transfer workers with disabilities into alternative positions, without thereby discriminating on the basis of disability, and to evaluate the "essential functions" of each position in City government to ensure that reasonable accommodation is made for persons with disabilities. Examples of such reasonable accommodation may include providing readers for people who are sight-impaired, special communications devices for people who are hearing or speech impaired, and part-time employment or alternative work schedules for people with certain medical conditions.

Ms. Clayton reports that the City Attorney's Office is consulting with the Mayor's Employee Relations Division concerning the employment-related requirements of ADA, and that all City departments have appointed disability coordinators who will oversee compliance with ADA's anti-discrimination provisions within each agency. Ms. Clayton states that the City could incur additional costs under ADA to define the essential functions of each City position, to pay the costs of any medical evaluations which the City independently seeks, or to implement ADA's requirements to make reasonable accommodation in employment.

Cost Summary

19. The following table summarizes the information provided above concerning the requirements and estimated costs of implementing ADA:

<u>Component</u>	<u>Estimated Cost</u>	<u>Comments</u>
<u>Funded Projects</u>		
Disability Access Projects	\$1,812,800	
DPW Access surveys	300,000	Budgeted funds 1992-93
Airport Access Projects	<u>460,000</u>	Budgeted funds 1992-93
Total: Funded Projects	\$2,572,800	
<u>Unknown Cost Factors</u>		
Renovation of City owned buildings	not available	Actual costs will depend on survey
Additional paratransit services	not available	Actual costs will depend on demand
Reasonable accommodation in employment	not available	Actual costs will depend on situation
Survey or relocation of leased facilities	not available	DPW is surveying City-owned buildings
<u>Estimated Unfunded Costs</u>		
DPW Curb Ramp Program	12,900,000	After including \$1.2M in grant funds
MUNI Key Stations	7,500,000	MUNI has applied for Federal funds
ASL Interpreters	20,000	Estimated 1993-94 budget request
Telecommunications Devices	<u>12,500</u>	Estimated 1993-94 budget request
Total Identified Unfunded Costs	\$20,432,500	

20. In addition, disability access improvements have been incorporated into public works projects which have been funded by approximately \$9.4 million in bond funds. The Budget Analyst notes that MUNI has applied for State and Federal funds of approximately \$7.5 million to implement some of ADA's disability access requirements for public transit services, and may be eligible to receive an additional \$500,000 annually in 1/2 cent sales tax revenues through the County Transportation Authority. Except for these potential new revenues, no sources of financial assistance have been identified to implement the requirements of ADA.

21. Mr. Imperiale states that a failure to comply with ADA requirements could result in the loss of Federal funds for the City's programs and services.

**Memo to Health Public Safety and Environment Committee  
June 22, 1993**

**Item 5 - File 193-93-1**

**Note:** The Author of this proposed resolution has requested that this item be continued to the call of the Chair.

**Department:** Recreation and Park Commission

**Item:** Resolution urging the Mayor to urge the Recreation and Park Commission to establish a parking area within the parking lot of Candlestick Park for people with disabilities.

**Description:** Federal regulations require that all public facilities provide for disabled access. The proposed resolution would initiate the establishment of a designated parking area within the parking lot of Candlestick Park for persons with disabilities.

**Comments:** 1. Mr. James Cooney of the Recreation and Park Department reports that Candlestick Park has already designated parking spaces for disabled persons in three of its parking lot "areas." These areas are near gates "A", "F", and "E" (see Attachment). There are a total of 106 parking spaces designated for disabled persons as follows:

<u>Gate</u>	<u>Car</u>	<u>Van</u>	<u>Total</u>
A	20	18	38
F	20	22	42
E	<u>19</u>	<u>7</u>	<u>26</u>
Total	59	47	106

2. Mr. Cooney advises that 1) gate "A" is the closest gate to the elevator, 2) gate "F" is near the elevator and provides for wheelchair accessibility to the elevator, and 3) although gate "E" is furthest away from the elevator, neighboring gate "D" has a ramp which can be used for disabled persons with wheelchairs.

3. According to Mr. Cooney, there are a total of 8,000 parking spaces in the Candlestick Park parking lot. Mr. Cooney advises that the parking lot provisions for the disabled are in compliance with all Federal and State regulations pertaining to accessibility for the disabled.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.





Memo to Health Public Safety and Environment Committee  
June 22, 1993 Health Public Safety and Environment Committee Meeting

Items 6 and 7 - Files 238-93-1 and 238-93-2

**Departments:** Police Department  
Sheriff's Department  
Mayor's Office

**Items:** Item 6 (File 238-93-1) is a hearing to consider if San Francisco is getting more than its share of State parolees.

Item 7 (File 238-93-2) is a resolution urging the Mayor to work with the City's Sacramento Lobbyist on the problem of the increasing parolee population in San Francisco and to investigate the possible introduction of legislation by the City's State Representatives to return parolees to their place of longtime residence as opposed to their place of arrest.

**Description:** Over the past 10 years, San Francisco's jail population has increased by 50 percent, from an average of about 1,200 persons daily to an average of almost 2,400 daily. The reality of this increase is that the Sheriff's Department must find space for 2,400 persons in prison facilities rated by the State Board of Corrections to hold a maximum of only 1,652 persons daily.

The proposed resolution (Item 7) states that over 3,737 parolees have been released in San Francisco. Additionally, the proposed resolution states that with respect to the parolees in San Francisco, the first year criminal activity recidivism rate is between 70 and 80 percent and that based on such information, Police Chief Ribera estimates that 2,803 parolees will be arrested in San Francisco on an annual basis. This proposed resolution would urge the Mayor to 1) work with the State lobbyist on the problem of the increasing parolee population in San Francisco and 2) investigate the possible introduction of legislation by the City's State Representatives to return parolees to their place of longtime residence as opposed to their place of arrest. These steps would not only directly attempt to reduce the parolee population in San Francisco but would also indirectly attempt to reduce the overall prisoner population as well.

**Comments:** 1. Commander Holder of the Police Department (SFPD) reports that because San Francisco is a transitional City, many arrests that are made involve non-permanent residents of San Francisco. However, once these persons are placed on parole, they are required to stay in San Francisco for their parole period and, given the high recidivism rate as noted above, these persons often become long-term users of the City's criminal justice system.



2. Sergeant Click of the Sheriff's Department reports that the majority of the parolees who are incarcerated are kept in County Jails #1 and #2, which have maximum bed occupancies of 426 and 422 respectively. The total combined maximum bed occupancy of these two jails is 848. Sergeant Click reports that the total combined prisoner population at Jails #1 and #2 is currently approximately 807 prisoners, approximately 30 percent of whom are parolees.

3. Lieutenant Dempsey of the Sheriff's Department advises that, in accordance with a Consent Decree for County Jail #1, for every person over the 426 maximum allowed occupancy the Federal Court may assess a \$300 per day fine. The fines are deposited in an escrow account, some of which may be used for alternative Sheriff's Department programs aimed at reducing jail overcrowding. Lieutenant Dempsey reports that currently, Jail #1 is the only jail for which a Consent Decree has been issued and the only jail that can incur fines specifically for overcrowding.

4. Lieutenant Dempsey advises that from September 1992 through May 1993, the Department paid approximately \$1.8 million in fines, despite the Department's efforts to relieve the City's overcrowded jails problem through the rental of 340 beds at the Alameda County Jail facility.

5. The City's State Lobbyist, Ms. Margaret Kisliuk, who serves as the Mayor's Director of Intergovernmental Affairs, advises that the "county of commitment" (where the crime is committed) vs. the "county of residence" issue pertaining to parolees is being discussed with appropriate State and County Officials in order to achieve the best possible solution to the increasing parolee population in San Francisco.

**Recommendation:** Approve the proposed resolution (Item 7).



Items 8 and 9 - Files 118-93-1 and 118-93-1.2

1. The proposed ordinance would amend Part II, Chapter V of the San Francisco Municipal Code (Health Code) by adding Sections 267.7 through 267.13 thereto, providing for lubricant warning signs on condoms at the point of sale (File 118-93-1).

2. The proposed resolution would urge the Health Commission to urge the Food and Drug Administration (FDA) to require manufacturers of condoms to include a warning about the use of oil-based lubricants with condoms on each package of condoms, urge the manufacturers of condoms to voluntarily include a warning about the use of oil-based lubricants with condoms on each package of condoms and urge the manufacturers of oil-based lubricants to include an advisory message about the use of oil-based lubricants with condoms on each package of personal lubricant (File 118-93-1.2).

3. The proposed ordinance would amend the Health Code by adding Sections 267.7 through 267.13 as follows:

(1). Section 267.7 would make it the policy of the City to require that every person who sells personal lubricants intended to be used with condoms to post a conspicuous warning, at the point of sale or product display area, that (a) lubricants containing oil or vegetable shortening used with a latex condom may damage the integrity of the condom, (b) water based lubricants are condom compatible and (c) lubricants containing nonoxynol-9 may decrease transmission of Sexually Transmitted Diseases (STD's) and HIV when used with a condom.

(2). Section 267.8 includes the following findings: (a) the testing of short-term exposure to lubricants applied to latex condoms concluded that oil-based lubricants have a significant deleterious effect on the strength of condoms, (b) the U.S. Department of Health and Human Services issued a report stating that petroleum or oil-based lubricants should not be used with condoms since they weaken the latex and recommended that only water-based lubricants should be used with a condom, (c) in a test performed by Consumer Reports using oil-based lubricants with condoms, at least half of the samples of each type of condom failed and (d) therefore, in order to serve the public health, safety and welfare, the Board of Supervisors declares that the purpose of this article is to educate the public by requiring that warning signs be placed at all locations where personal lubricants are sold to the public.

(3). Section 267.9 would provide that every person or entity who owns, operates, manages, leases, or rents premises offering personal lubricants for sale shall post a sign or notice at the point of sale or product display area which reads "CAUTION - CHECK THE LABEL BEFORE YOU BUY. USE ONLY WATER BASED LUBRICANTS WITH A CONDOM. STUDIES SHOW CONDOMS BREAK IF USED WITH LUBRICANTS CONTAINING OIL OR VEGETABLE SHORTENING. For More Information Call\_\_\_\_\_ ". Such notice must (a) be in English, Spanish, Chinese and Tagalog, (b) not be less than eight and one-half inches by eleven inches and conspicuously displayed, (c) have the word "CAUTION"

not less than one-half inch in height and centered on a single line with no other text, and the sentence "For More Information Call \_\_\_\_\_" must be a separate paragraph centered immediately below the warning. At least one sign or notice must be conspicuously posted where the sale or display of the personal lubricants to the public takes place. This Section further provides that it is the intent of the Board of Supervisors that the specified warning notices must be provided by the Department of Public Health (DPH) within 30 days of the effective date of this ordinance in order to facilitate compliance with the requirements.

(4) Section 267.10 would provide that anyone subject to the provisions of the proposed ordinance who knowingly fails to post the required warning is guilty of an infraction.

(5) Section 267.11 would provide that in addition to any peace officer, the following classes of employees of the City will have the authority to enforce the provisions of this ordinance: 6120 Environmental Health Inspector, 6122 Senior Environmental Health Inspector, 6124 Principal Environmental Health Inspector, 6127 Assistant Director, Bureau of Environmental Health, 6126 Director, Bureau of Environmental Health, 8280 Environmental Control Officer, 2806 Disease Control Investigator and 2808 Senior Disease Control Investigator.

(6) Section 267.12 would provide that in undertaking the adoption and enforcement of the proposed ordinance, the City is only intending to promote the general welfare of the public. The proposed ordinance is not intended to create any new rights which if violated would cause the City to be liable for any money damages to any person who claims that such violation caused injury.

(7) Section 267.13 would provide that the provisions of this proposed ordinance can be individually severed and that if any provision is held to be invalid, the remainder of the ordinance would not be effected and would continue in full force and effect.

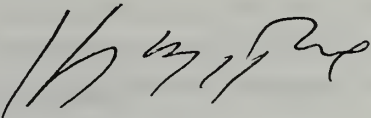
### **Comment**

Attached is a memo from Mr. Ben Gale, Director of the DPH, Bureau of Environmental Health, which discusses the issue of the Bureau's enforcement of the proposed ordinance and the potential fiscal impact.

**Memo to Health, Public Safety and Environment Committee**  
**June 22, 1993 Health, Public Safety and Environment Committee Meeting**

**Recommendation**

Approval of the proposed ordinance and the proposed resolution is a policy matter for the Board of Supervisors.

  
Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Barbara Kolesar  
Ted Lakey





## MEMORANDUM

TO: Sandy Brown-Richardson, Budget Analyst, Board of Supervisors

FROM: *BG* Ben Gale, Director, Bureau of Environmental Health

RE: Proposed Health Code Amendments

DATE: June 18, 1993

Thank you for the opportunity to review the proposed amendments to the City's Health Code.

As mentioned in previous memos, I remain concerned that a false sense of security will be projected by the passage of this legislation. The Bureau of Environmental Health does not permit or inspect all of the potential retail outlets that may sell personal lubricants. The majority of the facilities that we inspect are food establishments (i.e., restaurants, bakeries, delis, etc.). The majority of the establishments that sell personal lubricants are not inspected by this Bureau's staff.

To apply and enforce the proposed legislation to those establishments that we do inspect would constitute a very small program cost to implement and can be calculated as part of the license fee for the next fiscal year.

This potential increase would be developed from actual time spent in the establishment. For those facilities that are not under license/permit, there currently exists no method for recovering program costs directly from the establishment. If the proposal is to have staff implement and enforce this legislation in those establishments, it would require general fund support. One method of reducing program costs would be to only respond to complaints received from the public as opposed to a pro-active compliance program. Even still that would redirect staff from existing programs and activities that are funded by annual license fees or hourly rates. It is important to note that this Bureau is over 90%-fee-supported in its program delivery.

Funds for development of multilingual signage is not available in the budget for FY93/94. Although this item is measured in merely several thousands of dollars, it is uncertain as to whether they can be developed, printed and distributed within the 30 days required.

The inclusion of the 8280 Environmental Control Officer may not be an appropriate class. This classification is not a Health Department employee, but rather works for DPW in the Street and Urban Forest program. As a minimum, DPW should be noticed and given an opportunity to agree or disagree.

In summary, I am apprehensive that the use of a signage in addressing this public health issue may not produce the expected results intended by the legislation. The addition of another sign in a retail outlet becomes just one more of many and is lost as an effective educational tool.

BG/pc

cc: Carole Migden, Board of Supervisors  
Bill Maher, Board of Supervisors  
Sandra Hernandez, Administration





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CALENDAR - Actions Taken

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JUNE 22, 1993 - 10:00 A.M.

LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR HALLINAN - ITEMS 4, 8 AND 9

CLERK: GAIL JOHNSON

1. File 121-93-8. [Access to Health Care Facilities] Ordinance amending Part II, Chapter VIII of the San Francisco Municipal Code (Police Code) by adding Article 43 thereto, relating to harassment of persons seeking access to health care facilities. (Supervisors Shelley, Achtenberg, Alioto, Bierman, Hallinan, Hsieh, Kaufman, Migden)

(Continued from 6/8/93)

ACTION: Hearing held. Recommended. (Supervisor Leal added as co-sponsor.)

2. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets but that do not have liquor licenses. (Supervisors Hallinan, Alioto)

(Continued from 5/25/93)

ACTION: Continued to July 13, 1993, meeting (at the request of sponsor).

3. File 30-93-11. Hearing to consider women's health issues. (Supervisor Alioto)

ACTION: Continued to July 13, 1993, meeting (at the request of sponsor).

4. File 258-92-1. Hearing to consider cost of implementation and enforcement of the American Disabilities Act. (Supervisor Kennedy)

ACTION: Continued to the Call of the Chair.

5. File 193-93-1. [Candlestick Park] Resolution urging the Mayor to urge the Recreation and Park Commission to establish a parking area within the parking lot of Candlestick Park for people with disabilities. (Supervisor Kennedy)

ACTION: Continued to the Call of the Chair (at the request of sponsor).

6. File 238-93-1. Hearing to consider if San Francisco is getting more than its share of State parolees. (Supervisor Maher)

ACTION: Hearing held. Filed.

7. File 238-93-2. [Parolees] Resolution urging the Mayor to work with our State Lobbyist on the problem of the increasing parolee population in San Francisco and to investigate the possible introduction of legislation by the City's State Representatives to return parolees to their place of longtime residence as opposed to their place of arrest. (Supervisor Conroy)

ACTION: Hearing held. Amended. (See file for details.) Recommended as amended. New title: "Urging the Mayor to work with our State Lobbyist on the problem of the increasing parolee population in San Francisco and to investigate the possible introduction of legislation by the City's State Representatives to address the parolee issue in San Francisco."

8. File 118-93-1. [Warning Signs, Personal Lubricants] Ordinance amending Health Code by adding Sections 267.7 through 267.13 providing for point of retail sale lubricant warning signs. (Supervisors Migden, Maher)

ACTION: Hearing held. Recommended. (Supervisors Leal and Shelley added as co-sponsors.)

9. File 118-93-1.2. [Package Warning, Personal Lubricants] Resolution urging the Mayor to urge the Health Commission to urge the Food and Drug Administration (FDA) to require manufacturers of condoms to include a warning about the use of oil-based lubricants with condoms on each package of condoms, urging the manufacturers of condoms to voluntarily include a warning about the use of oil-based lubricants with condoms on each package of condoms, urging the manufacturers of oil-based lubricants to include an advisory about the use of oil-based lubricants with condoms on each package of personal lubricant. (Supervisors Migden, Maher, Hallinan)

ACTION: Hearing held. Recommended. (Supervisors Leal and Shelley added as co-sponsors.)

CITY AND COUNTY



OF SAN FRANCISCO

DOCUMENTS DEPT.

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

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JUL 13 1993

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PUBLIC LIBRARY

July 9, 1993

**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst  
**SUBJECT:** July 13, 1993 Health, Public Safety and Environment Committee Meeting

Item 3 File - 168-93-2

**Department:** Recreation and Park Department

**Item:** Resolution urging 1) the Mayor to urge the Planning Commission and the Recreation and Park Commission, and 2) the San Francisco Unified School District to approve the acquisition of Jose Ortega School by the Open Space Acquisition Fund.

**Description:** The proposed resolution advocates the acquisition of the Jose Ortega School for purposes of expanding Brooks Park. The Jose Ortega School is adjacent to the park and, if acquired, the site could include a community garden as well as a children's play area. Currently, the San Francisco Unified School District does not use the property. However, the School District is studying development opportunities for this site.

During 1993-94 Budget deliberations, the Open Space Committee and a majority of members of the Recreation and Park Commission recommended this property for inclusion in the Open Space Fund. However, the Planning Commission opposed such action.



**Comments:**

1. Mr. Steve Shotland, Planning Department, Open Space Program, advises that the Planning Commission rejected the proposed acquisition because such acquisition would have hindered the development schemes of the Unified School District. According to Mr. Shotland, the Planning Department received a copy of a letter, from the Superintendent of Schools to the Mayor, expressing the School District's desire to pursue development opportunities at the site. Hence, the Planning Commission, in an effort to avoid interference in the School District's plans, declined to consider the matter further.
2. Mr. Phil Arnold, Recreation and Park Department, advises that the Department has no acquisition price estimate. Moreover, there are no estimates for the cost of landscape reconstruction.
3. Mr. Joe Simmons, San Francisco Unified School District, reports that the School District is considering a variety of public-use opportunities, such as housing or open space, for the site. The property is particularly conducive to such use as it has no commercial or industrial value. However, the School District has made no decisions as to the property's ultimate use, nor has it conducted cost studies of alternatives.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee  
July 13, 1993 Health, Public Safety and Environment Committee Meeting

Item 4 - File 121-93-7

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of June 22, 1993.

1. The proposed ordinance would amend Article 15.2, Section 1070.16 of the San Francisco Police Code by permitting persons between the ages of 18 and 21 to enter, be, or remain in premises that are operated as cabarets if the premises do not have liquor licenses.

2. Article 15.2, Section 1070 of the Police Code defines a cabaret as any establishment to which patrons or members are admitted or allowed to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., which serves food or beverages (may include alcoholic beverages) or provides entertainment. However, the State Business and Professions Code prohibits any establishment from selling alcoholic beverages during the 2:00 a.m. to 6:00 a.m. hours when establishments are defined by the Police Code as cabarets. During the hours in which an establishment is legally considered a cabaret, no alcoholic beverages can be sold, but many establishments with cabaret licenses sell alcoholic beverages prior to 2:00 a.m.

3. Currently Article 15.2, Section 1070.16 of the Police Code prohibits persons under age 21 from entering or remaining on the premises after 2:00 a.m., when an establishment becomes a cabaret, whether or not the cabaret has a liquor license. (On Friday and Saturday nights there is half-hour grace period, until 2:30 a.m., for the departure of persons between the ages of 18 to 21.) The proposed ordinance would permit persons between the ages of 18 to 21 to enter or remain in a cabaret at all hours of operation of the cabaret if the establishment does not have a liquor license. In other words, if alcoholic beverages are not sold at a cabaret prior to the 2:00 a.m. cutoff for sales of alcoholic beverages because the cabaret lacks a liquor license, persons between the ages of 18 to 21 may enter or remain in the establishment during the 2:00 a.m. to 6:00 a.m. hours.

4. Officer Barbara Campagnoli of the Police Department's Permits office reports that, as of May 18, 1993 a total of 81 establishments have cabaret permits. Because State law prohibits the sale of alcoholic beverages after 2:00 a.m., the cabaret permit application does not reflect whether or not an establishment has a liquor license. However, Sergeant Steven Tocchini of the Police Department estimates that two-thirds, or 54 of the 81 establishments with cabaret permits also have liquor licenses. This would leave an estimated 27 establishments that would currently be effected by the proposed ordinance in that persons between the ages of 18 to 21 could enter or remain in the cabaret at all hours during which the cabaret is open. (Cabarets are licensed to be open from 2:00 a.m. to 6:00 a.m.)

5. Police Department Deputy Chief of Patrol Thomas Petrini reports that the Police Department generally enforces the current age restrictions by responding to complaints from neighbors of a cabaret or from parents of youthful patrons. Chief Petrini states that demands on police time would not be significantly changed by the proposed ordinance, as the Police Department would still have to enforce the new 18-year age limit for cabarets in premises that do not have liquor licenses, as well as the existing 21-year age limit for cabarets in premises that do have liquor licenses.

### **Comment**

Mr. Burk Delventhal of the City Attorney's office advises that the City of San Francisco was sued a few months ago by a cabaret located in a premises that did not have a liquor license in an attempt to restrain the Police from enforcing the restriction on allowing minors to remain after 2:00 a.m. The cabaret was denied a preliminary injunction. Mr. Delventhal states that while the cabaret could still take the case to trial, he believes it is very unlikely that the court would issue an injunction in this case. Mr. Delventhal advises that the ordinance regulating minors in cabarets is an example of a Police decision that can be made by the Board of Supervisors.

### **Recommendation**

Approval of the proposed ordinance, which would permit persons between the ages of 18 and 21 to enter, be or remain in premises that are operated as cabarets between 2:00 a.m. and 6:00 a.m. if the premises do not have a liquor license, is a policy matter for the Board of Supervisors.



Item 5 - File 121-93-9

1. The proposed ordinance would amend the Police Code by amending Section 1036.31, which prohibits mechanical amusement devices in buildings in certain locations, to permit mechanical amusement devices in buildings with mixed residential and commercial use by a permit issued by the Police Department.
2. Section 1036.31 of the Police Code currently provides, in part, that it is unlawful for any owner or operator of a mechanical amusement device to allow such a device to be located, operated or maintained for operation in buildings with mixed residential and commercial use. A mechanical amusement device is defined as any machine or device which operates by inserting a coin, slug or token, which is used as a game, contest or for amusement and which does not contain a pay-off device for the return of money, coins, tokens or merchandise (i.e., video games and pin-ball machines). The proposed ordinance would amend Section 1036.31 to permit mechanical amusement devices in buildings with mixed residential and commercial use, if a permit for such use is obtained from the Police Department.

Comment

Sergeant Stephen Tacchini of the Permit Division of the Police Department reports that the Police Department currently has 432 outstanding permits for mechanical amusement devices. Approximately 80 to 90 new permits are issued annually by the Department for these devices. Sergeant Tacchini advises that there is a \$360 one-time application fee plus a \$111 annual fee charged for permits to operate mechanical amusement devices. Additionally, starting with the second machine, \$17 per machine is charged annually for more than one machine. According to Sergeant Tacchini, on average permits are issued for two to three devices. Sergeant Tacchini advises that for FY 1992-93, \$32,400 in revenues were generated for 90 new permits (90 x \$360) and \$47,952 in revenues were generated for 432 annual permit fees (432 x \$111), for a total of \$80,352 in revenues.

Sergeant Tacchini states that the Police Department estimates that the number of new permits issued for mechanical amusement devices will increase by an additional 80 to 90 for a total of approximately 160 to 180 new permits annually, if the proposed legislation is approved. Based on an additional 80 to 90 new permits being issued annually, approximately \$28,800 to \$32,400 in additional one-time application fee revenues would be generated annually and approximately \$8,880 to \$9,990 in additional annual fee revenues would be generated.

Sergeant Bob Guinan of the Vice Division of the Police Department reports that the Police Department responds to incidents of gambling, noise and loitering in connection with mechanical amusement devices on a complaint basis. According to Sergeant Guinan, the Police Department currently

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receives approximately six to twelve such complaints per month. Sergeant Guinan advises that video poker games and pin-ball machines account for the majority of complaints having to do with gambling. Sergeant Guinan believes that any additional enforcement required by the Police Department in connection with the proposed ordinance could be absorbed by the Department since incidents associated with the mechanical amusement devices are responded to on a complaint basis only.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Item 6 - File 121-93-5

1. The proposed ordinance would amend Article 17 of the Police Code by adding Section 1293, to prohibit the sale of all types of knives to minors, except for table knives and knives already prohibited from sale under State law and establishing penalties for violation of this Section. (Knives prohibited under State law include switch-blade knives having a blade longer than two inches, knives enclosed within a lipstick case, belt buckle knives with a length of two and one-half inches and devices that appear to be a "writing pen" but have concealed within them a pointed, metallic shaft designed to be a stabbing instrument.)

2. The proposed ordinance would amend the Police Code to add a new Section 1293, which would provide the following:

- (1). The definition of "knife" would include, but not be limited to, any instrument with a cutting blade, made of steel or other similar durable cutting surface, capable of inflicting bodily harm.
- (2). No person will be allowed to knowingly sell any type of knife (excluding table knives used for dining) as defined in this Section, to a minor.
- (3). Any person violating the provisions of this Section will be guilty of a misdemeanor or an infraction. The decision as to whether the violation is a misdemeanor or an infraction will be made by the District Attorney. A person found guilty of an infraction will be subject to a fine of not less than \$125 or more than \$250 for each provision violated. A person found guilty of a misdemeanor will be subject to a fine of not less than \$500 or more than \$600 for each provision violated and/or by imprisonment in the County Jail for a period of not more than six months. Any person who violates any provision of this Section a second time, within a thirty day period, will be guilty of a misdemeanor, punishable by a fine of not less than \$650 and not more than \$750 for each provision violated and/or imprisonment in the County Jail for a period of not more than six months. Any person who violates the provisions of this Section a third time and each subsequent time, within a 30-day period, will also be guilty of a misdemeanor, punishable by a fine of not less than \$750 and not more than \$1,000 for each provision violated and/or imprisonment in the County Jail for a period of not more than six months.

**Comment**

Sergeant John Bisordi of the Fiscal Division of the Police Department reports that the proposed legislation may be difficult to enforce because in order to obtain a conviction for an infraction or a misdemeanor, a witness as well as someone willing to sign a complaint is required. Sergeant Bisordi



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advises that the Department is unable to estimate the potential number of arrests and/or convictions which may result from this proposed legislation. However, according to Sergeant Bisordi, the Police Department's Fiscal Division along with the Patrol Division do not believe that the proposed legislation will have a significant fiscal impact on the City.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Item 7 - File 258-92-1

**Note:** This item was continued by the Health and Public Safety Committee at its meeting of June 22, 1993.

This item concerns a hearing to consider the cost of implementation and enforcement of the Americans with Disabilities Act of 1990 (ADA).

1. The ADA requires state and local governments to ensure that persons with disabilities are not excluded from or denied the benefits of public services, programs or activities ("program accessibility"). It also prohibits state and local governments from discriminating in employment against persons with disabilities. The ADA was effective as to state and local governments on January 26, 1992. Ms. Miriam Morley of the City Attorney's Office reports that the City's responsibilities under the ADA include ensuring that City programs are accessible by, for example, providing written materials in alternative formats (such as Braille or large type), providing sign language interpreters at public meetings upon request, and making structural changes necessary to provide physical access to City programs. Ms. Morley reports that the program accessibility requirements of ADA took effect on January 26, 1992 and the City has been required to be in compliance since that date. Ms. Morley also indicates that the City is required to make structural changes to comply with the program accessibility requirements of ADA as soon as practicable, but no later than January 26, 1995.

2. Mr. Paul Imperiale, the Mayor's Disability Coordinator, states that the Mayor's Office has implemented a program of self-evaluation by City departments to assess the extent to which City programs, services and activities currently comply with the program accessibility requirements of ADA. Departments have been asked to assess whether their physical facilities as well as the content of their services and programs are accessible to persons with disabilities.

3. Mr. Imperiale states that the content of the City's programs and services has generally been found to be accessible to persons with disabilities. ADA requires that the City provide services upon request in an appropriate alternative format, such as braille, large-print, or audio formats for persons with visual impairments. The City must provide public notice of the availability of alternative formats and provide such formats to persons with disabilities upon request.

However, Mr. Imperiale states that improvements are still needed in the provision of services to hearing-impaired persons and in ensuring the accessibility of public meetings. In particular, Mr. Imperiale states that American Sign Language (ASL) interpreters will increasingly be needed at public meetings on behalf of hearing-impaired persons. Although an exact estimate of the cost of such services will depend on the extent of utilization, Mr. Imperiale states that the annual cost of ASL interpreters City-wide is expected to be at least \$20,000 in 1993-94. In addition, Mr. Imperiale reports that 40 to 50 City departments, those with significant telephone contact with the public, will be required to purchase telecommunications devices for the deaf (TDDs), at a cost of approximately \$250 each for a total cost of up to \$12,500 for TDDs.

Except for the cost of ASL interpreters and TDDs and the cost of structural improvements (which are discussed separately below), Mr. Imperiale reports that the effective delivery of City services to persons with disabilities can be ensured largely through additional education and training of City employees in serving persons with disabilities. Since January, 1990, Mr. Imperiale reports that he has conducted more than 86 workshops to train City employees to improve disability access to City programs. The Mayor has required each department head to appoint a departmental ADA coordinator for his or her department who will receive ongoing training through the Mayor's Office and oversee the implementation of ADA requirements within each City agency.

#### Structural Changes to City Facilities

4. Mr. Richard Skaff, the City's Disability Access Coordinator in the Department of Public Works, reports that the most costly accessibility provisions of ADA are those which will require the renovation of City facilities to ensure physical access to City programs and services by persons with disabilities. According to Mr. Skaff, the City is required to evaluate the physical accessibility of all buildings which are owned or operated by the City, including buildings leased by the City which house public services. If access to any facility is found to be deficient, the City is required to modify the facility or transfer the program to an accessible site.

5. Mr. Skaff and Mr. Steve Nelson of the CAO's Office have indicated that many recent renovations of City buildings have incorporated disability access improvements, but that some of these improvements were done prior to publication of ADA requirements, and therefore the buildings where renovations have already occurred will need to be surveyed to ensure full compliance. The disability access improvement projects which have already begun, and the sources and amounts of funds appropriated in fiscal years 1990-91 through 1992-93 for these projects, are as follows:

<u>Department</u>	<u>Project/Facility</u>	<u>Source of Funds</u>	<u>Amount</u>
Convention Facilities	Brooks Hall & Civil Auditorium	Convention Facilities Fund	\$350,000
Department of Public Works	Various Projects	General Fund	350,000
	Curb Ramp Program	Spcl Gas Tax Street Imp. Fund	193,000
Department of Public Health	Auditorium Stage Platform Ramps	General Fund	25,500
Recreation and Park	Various Projects	Open Space Fund	150,000
War Memorial	Opera House access	War Memorial Special Fund	204,800
	Master Plan: Davies and Zellarbach	War Memorial Special Fund	39,500
Chief Administrative Officer	City Hall Disability Access	General Fund Projects	250,000
	Emergency Reserve	General Fund Projects	<u>250,000</u>
	Total		\$1,812,800



Memo to Health and Public Safety Committee  
July 13, 1993 Health and Public Safety Committee Meeting

6. According to Mr. Imperiale, some of the \$11.1 million already budgeted for bond-funded seismic improvements to City buildings will be used for disability access in those buildings. Of these funds, \$250,000 has been set aside as an emergency reserve to modify City facilities in response to specific complaints concerning inadequate disability access. The bond funded projects are as follows:

1989 Earthquake Safety Bonds	
Fire Stations, Academy of Sciences, Legion of Honor	2,700,000
1990 Earthquake Safety Bonds	
Opera House, Veteran's Building, City Hall, 101 Grove Street, Civic Auditorium, Public Library facilities, Hall of Justice, Davies Hall, Music Concourse, 150/170 Otis Street, Marina Green restrooms and docks	4,430,000
1992 Fire Department Bond Issue - 29 facilities	2,132,000
Department of Public Health - reserve account	<u>75,000</u>
Bond funded projects which include disability access	\$9,337,000

7. To ensure compliance with ADA, Mr. Skaff and Mr. Nelson report that the Bureau of Architecture has undertaken a survey of City-owned buildings which house General Fund programs, to evaluate whether they meet the physical accessibility requirements of ADA and any other Federal and State laws. Mr. Nelson reports that \$300,000 was appropriated to the Bureau of Architecture in 1992-93 to conduct the surveys, which are expected to be completed by September, 1993, and which will involve approximately 500 City-owned buildings. Thus far, 150 City-owned buildings have been surveyed. The survey will not include program sites leased by the City, nor facilities operated by non-General Fund departments, such as the Airport and the Municipal Railway. The Recreation and Park Department hired a contractor who has surveyed all of its facilities. Mr. Nelson and Ms. Morley state that the surveys of City-owned buildings which are currently being conducted by the Bureau of Architecture are based on the most restrictive requirements of State and Federal law.

8. Mr. Nelson reports that estimates have not yet been prepared of the cost of renovating City-owned buildings, because the cost of the renovations will depend on the results of the Bureau of Architecture surveys and an analysis of accessibility requirements for each program in the buildings surveyed. Mr. Nelson also reports that \$100,000 is included in the proposed 1993-94 capitol budget for disabled access renovation and \$10 million is included for general disability related construction purposes. Mr. Imperiale states that funds are not available under the ADA from Federal or State sources for the cost of disability access renovations to City buildings.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

9. Mr. Harry Quinn, Assistant Director of Property, states that the Real Estate Department has been incorporating ADA requirements "to the extent possible" in efforts to lease new facilities for City agencies, although not all buildings being leased by the City currently comply with the accessibility requirements of ADA. In addition, Mr. Quinn reports that the Department of Real Estate, in conjunction with individual departments, has been preparing disability access checklists for the City's existing leased facilities. However, evaluations of existing leased facilities and potential new facilities have been conducted by employees in the Department of Real Estate and departmental representatives, and not by architects or others who specialize in disability access requirements, according to Mr. Quinn. Mr. Quinn reports that the Department of Real Estate has not received any funding to implement ADA requirements for the City's leased facilities.

Mr. Quinn states that any renovations required under ADA for the City's leased facilities are the responsibility of the property owner, rather than the City. Mr. Quinn states that if the property owner is unwilling to make necessary renovations, the Department of Real Estate will seek alternative locations for new leases. Mr. Quinn states that some existing facilities have been modified by property owners to provide disability access, but that the Department of Real Estate has met considerable resistance in seeking disability access renovations, since the costs of such renovations can be considerable.

10. Mr. Skaff reports that the Bureau of Building Inspection (BBI), which is responsible to review building plans and specifications for compliance with building codes, does not currently review building plans submitted for private or public projects for compliance with ADA, but only for disability access requirements of State law. Mr. Skaff states that review of all ADA requirements will be incorporated into the review procedures of BBI when the proposed new code package of the Office of the State Architect, which incorporates ADA guidelines into State codes, is adopted by the State Building Standards Commission. That code package may be adopted in 1993.

#### Airport Facilities

11. Mr. Dave Decherd of the Airport reports that the Airport appointed a special Task Force to conduct a comprehensive survey of Airport facilities in response to the disability access requirements of ADA. The Task Force has developed a series of preliminary recommendations to enhance physical access to Airport facilities by disabled persons. Mr. Decherd reports that the recommendations have been submitted to the Airport Director for review, who will present them in final form to the Airports Commission. If adopted by the Airports Commission, the improvements would be implemented by the Facilities Operations and Maintenance Division using Airport funds, according to Mr. Decherd. The Airport budgeted \$460,000 in 1992-93 for the cost of disability access improvements, but Mr. Decherd states that this amount will not be sufficient to fund all of the accessibility improvements recommended by the Task Force. The Task Force



recommendations primarily reflect minor modifications to existing facilities, and do not require large construction projects, according to Mr. Decherd. Mr. Dechard also states that full implementation of the Task Force recommendations will be a major expense in an estimated amount of \$2,824,000. The Airport has established a target completion date of January 1, 1995.

### Public Transit

12. ADA requires public transit agencies to enhance access to any buses which it operates, by procuring new transit vehicles which are accessible by persons with disabilities. ADA does not require that all existing transit vehicles be modified for disabled access. Ms. Annette Williams of the Municipal Railway (MUNI) states that California law has required disabled access on new transit vehicles since the early 1980's, that MUNI's current procurement policies reflect these requirements, and therefore compliance with the ADA specifications for new transit vehicles will not impose significant new responsibilities or additional costs.

13. In addition, ADA requires transit agencies to provide paratransit services, comparable to the transit services provided to the general public, to persons with disabilities who are unable to use existing fixed route services. ADA requirements concerning the provision of paratransit services took effect January 26, 1992. Ms. Williams states that paratransit services will be in full compliance by January 26, 1997. There is a five year implementation period for paratransit services.

Ms. Williams states that MUNI currently provides extensive paratransit services (875,000 trips in 1991-92), but that additional paratransit services will be needed to comply with ADA in the future, as additional riders are certified as qualified for paratransit service. Ms. Williams states that approximately \$500,000 in additional County Transportation Authority funds will be allocated annually for paratransit services, since 8 percent of the City's 1/2 cent sales tax revenues are set aside for paratransit services. In addition, Ms. Williams states that MUNI is eligible to apply for approximately \$450,000 annually in new State Transit Assistance funds, retroactive over the past two years, for total eligibility of approximately \$1.35 million, and that MUNI applied for \$461,000 in fiscal year 1992-93 and is planning to apply for the remaining funds in FY 1993-94.

14. ADA will also require MUNI to improve access for persons with disabilities to the MUNI-METRO light rail system at "key stations." Key stations were designated as part of an ADA-mandated planning process which MUNI completed in July, 1992. Ms. Williams reports that MUNI currently provides accessibility to 18 stations in the MUNI-METRO system, but that these stations will require further modifications, and 19 additional key stations must be constructed to comply with ADA. Ms. Williams states that this project will cost approximately \$7.5 million and that MUNI has applied for Federal funding for the project; if approved, however, Federal funding would require a local match of 10 to 20 percent, or \$750,000 to \$1.5 million.



ADA requires transit properties to implement the key station requirements of ADA "as soon as practicable," but not later than July 25, 1993. However, ADA provides that this time limit may be extended up to 30 years by the U.S. Department of Transportation due to the need for "extraordinarily expensive structural changes" to existing facilities. Ms. Williams reports that MUNI has requested an extension until December, 1996 to implement the key station disability access requirements.

Ms. Williams reports that MUNI anticipates that even with the additional funds they will not be able to fully comply with the requirements of ADA and that MUNI has hired a consultant to assist MUNI in seeking additional revenues. Ms. Williams also states that MUNI has established a seven year timetable to obtain additional revenues.

### Streets and Sidewalks

15. Mr. Skaff reports that three disability access laws (California Title 24, the Uniform Federal Accessibility Standards, and ADA) all require that public sidewalks be fully accessible to persons with disabilities, including specifications for curb ramp design and construction. Mr. Skaff states that in 1991, DPW embarked on a City-wide curb ramp program and implemented curb ramp design standards which incorporate the most restrictive sections from State and Federal laws.

Mr. Skaff reports that, at the present time, 2,500 of the City's 30,000 "angular" street corners have been surveyed for compliance with disability access requirements, and of those surveyed, 1,625 new or replacement curb ramps have been installed to current design standards.

Ms. Karen Gelman of DPW reports that the total cost of expanding the curb ramp program to comply with ADA is estimated to be approximately \$15 million. DPW has received \$900,000 for fiscal years 1991-92 and 1992-93 in 1/2 cent sales tax revenues allocated by the County Transportation Authority, and may receive an additional \$100,000 for fiscal year 1993-94. DPW has been notified that it will receive \$1 million in Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds over the next two years and \$200,000 in State Transportation Development Act (TDA) funds for 1992-93. DPW has requested \$1.3 million in Federal ISTEA funds for fiscal year 1994-95 and plans to apply for additional TDA funds for fiscal year 1993-94 in an unknown amount. Therefore, the remaining unfunded cost of the curb ramp program is approximately \$12 million, according to Ms. Gelman.

### Non-Discrimination in Employment

16. As an employer, the City is subject to the provisions of ADA which prohibit employment discrimination against persons with disabilities. Effective July 26, 1992, the City is required not to discriminate in its hiring, examination, promotion, training, review, and dismissal procedures, nor in any other "terms,

conditions, and privileges of employment." ADA defines employment discrimination to include, among other things, an employer's failure to make "reasonable accommodation" to persons with disabilities in order that they may perform job-related duties, or the use of selection criteria which tend to "screen out" individuals with disabilities.

17. Ms. Vicki Clayton of the City Attorney's Office states that San Francisco has had a long-standing policy prohibiting employment discrimination against persons with disabilities, and that significant changes in the City's examination and hiring procedures will not be required under ADA. Mr. Skaff notes that the City currently administers the "Rule 34" program, which provides that persons with disabilities may be exempt from Civil Service examination requirements for entry-level positions, and may become permanent Civil Service employees after successfully completing a series of three performance reviews in the first year of employment.

18. Ms. Clayton states that ADA will require the City to implement more comprehensive guidelines to transfer workers with disabilities into alternative positions, without thereby discriminating on the basis of disability, and to evaluate the "essential functions" of each position in City government to ensure that reasonable accommodation is made for persons with disabilities. Examples of such reasonable accommodation may include providing readers for people who are sight-impaired, special communications devices for people who are hearing or speech impaired, and part-time employment or alternative work schedules for people with certain medical conditions.

Ms. Clayton reports that the City Attorney's Office is consulting with the Mayor's Employee Relations Division concerning the employment-related requirements of ADA, and that all City departments have appointed disability coordinators who will oversee compliance with ADA's anti-discrimination provisions within each agency. Ms. Clayton states that the City could incur additional costs under ADA to define the essential functions of each City position, to pay the costs of any medical evaluations which the City independently seeks, or to implement ADA's requirements to make reasonable accommodation in employment.

#### Cost Summary

19. The following table summarizes the information provided above concerning the requirements and estimated costs of implementing ADA:

<u>Component</u>	<u>Estimated Cost</u>	<u>Comments</u>
<u>Funded Projects</u>		
Disability Access Projects	\$1,812,800	
DPW Access surveys	300,000	Budgeted funds 1992-93
Airport Access Projects	<u>460,000</u>	Budgeted funds 1992-93
Total: Funded Projects	\$2,572,800	

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Health and Public Safety Committee  
July 13, 1993 Health and Public Safety Committee Meeting

<u>Component</u>	<u>Estimated Cost</u>	<u>Comments</u>
<u>Unknown Cost Factors</u>		
Renovation of City owned buildings	not available	Actual costs will depend on survey
Additional paratransit services	not available	Actual costs will depend on demand
Reasonable accommodation in employment	not available	Actual costs will depend on situation
Survey or relocation of leased facilities	not available	DPW is surveying City-owned buildings
<u>Estimated Unfunded Costs</u>		
DPW Curb Ramp Program	12,900,000	After including \$1.2M in grant funds
MUNI Key Stations	7,500,000	MUNI has applied for Federal funds
ASL Interpreters	20,000	
Telecommunications Devices	<u>12,500</u>	
Total Identified Unfunded Costs	\$20,432,500	

20. In addition, disability access improvements have been incorporated into public works projects which have been funded by approximately \$9.4 million in bond funds. The Budget Analyst notes that MUNI has applied for State and Federal funds of approximately \$7.5 million to implement some of ADA's disability access requirements for public transit services, and may be eligible to receive an additional \$500,000 annually in 1/2 cent sales tax revenues through the County Transportation Authority. Except for these potential new revenues, no sources of financial assistance have been identified to implement the requirements of ADA.

21. Mr. Imperiale states that a failure to comply with ADA requirements could result in the loss of Federal funds for the City's programs and services.



Item 8 - File 207-93-13

1. This item is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators) receiving 911 bona-fide emergency calls transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 calls
- Recording 911 emergency calls and police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.

Memo to Health, Public Safety, and Environment Committee  
July 13, 1993 Health, Public Safety, and Environment Committee Meeting

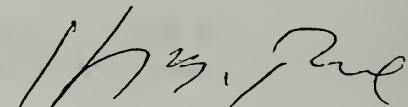
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

4. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six resolutions in a memorandum dated July 8, 1993. The memorandum is attached to this report.

5. Staffing for the Communications Division in the FY 1992-93 and FY 1993-94 Budgets is as follows:

<u>Classification/Title</u>	<u>FY 1992-93</u>	<u>FY 1993-94</u>
Q80 Captain, Police Department	1	0
Q60 Lieutenant, Police Department	2	0
Q2 Police Officer	2	0
9205 Airport Communications Coordinator	0	1
8240 Police Communications Shift Supervisor	3	4
8239 Senior Police Communications Dispatcher	9	13
8238 Police Communications Dispatcher	113	135
1424 Clerk Typist	<u>1</u>	<u>1</u>
Total	131	154

6. We have been advised that the Chief of Police will attend the meeting of the Health, Public Safety, and the Environment Committee, and that he will provide information concerning the specific circumstances on the 911 emergency system response to the 101 California Street incident.



Harvey M. Rose

cc: Supervisor Shelley	Clerk of the Board
Supervisor Hallinan	Chief Administrative Officer
Supervisor Leal	Controller
President Alioto	Teresa Serata
Supervisor Bierman	Barbara Kolesar
Supervisor Conroy	Ted Lakey
Supervisor Hsieh	
Supervisor Kaufman	
Supervisor Kennedy	
Supervisor Maher	
Supervisor Migden	

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA  
CHIEF OF POLICE

July 8, 1993

Mr. John Taylor  
Clerk of the Board  
Board of Supervisors  
City Hall, Room 235  
San Francisco, Ca 94102

Dear Mr. Taylor,

This letter is in response to the Board's Resolutions numbers 207-92-11 through 207-92-11.6. Police Communications have been experiencing problems in responding to calls for service. Under the Mayor's direction the department has developed a strategic plan to enhance the operation of the emergency response system. With the assistance of the Mayor's Fiscal Advisory Committee, a pro bono group of business leaders, the department has identified strategies that address the problems within the Communications Division that span all areas of operations. The below strategies are in the process of implementation. They include short term - high payback projects - to long term permanent solutions.

### STRATEGIES I & II

#### Staffing

The staffing problems that have been impacted in the past because of budget constraints, are being addressed in two ways:

1. We have identified 13 officers who have had prior experience in communications to temporarily staff the non-emergency telephone lines.
2. We have hired fourteen new dispatchers who have completed training at our Academy, and are now working in communications.
  - a. We intend to hire seventeen (17) in fiscal year 93-94

The training for these positions has been reduced from seven weeks to five weeks to enable us to run multiple classes while rotating new dispatchers on the non emergency telephone lines. Once the new dispatchers are ready to work on their own, the police officers will be returned to their prior assignments.

### STRATEGY III

#### Develop a Return to Work Policy for the Department

We are in the process of developing a leave policy for the department; working with the Health Department, we are developing a return to work policy for the department that will include a program to rehabilitate those workers who are injured. In conjunction with this phase, we are researching the ergonomic environment to reduce the cases of repetitive motion injury.



Mr. John Taylor  
July 8, 1993  
Page Two

#### STRATEGY IV

- Develop Management Policy for the Communications Division

This phase of the plan is the development of policies and procedures for the division. Included will be measures and standards for our employees that will guide our operations.

#### STRATEGY V

- Education Program

This phase includes a public campaign on the use of 911 and the non emergency line. We have alred public service announcements through the media in several languages, and through SAFE have begun an education program in the neighborhoods.

Additionally, working with KBHK, an internal education program on the use of radio protocols, administrative messaging and the use of the METS system.

#### STRATEGY VI

- Auto Attendant

This has been tabled at the request of the Mayor and the Board, but our research into the use of an auto attendant on the non emergency number would facilitate the handling of telephone calls. The system is designed to provide options to callers who are reporting non threatening and business calls. The system would provide callers with information and referrals to other police and City agencies that can provide assistance. Our intent is to have all callers speak with a call taker, police officer or receptionist that can provide them assistance. This is not a voice mail system.

#### STRATEGY VII

- Teleserve

This has also been tabled, but in conjunction with the auto attendant, a teleserve program would allow the department to take reports over the telephone. Several years ago we utilized this program, but it was disbanded because technology was inadequate. Several other police agencies are using this technique with success. We anticipate that teleserve will reduce the need to dispatch officers to the scene of a crime that would not require further investigation.

#### STRATEGY VIII

- Civilianization of Communications Manager

The Department has met with Civil Service and has developed a test for new dispatchers, and new supervisors.

We have temporarily appointed two civilian shift managers pending an examination.

The department is meeting with the Department of Electricity and Telecommunications to develop a job description for this position. We intend to transition to civilian leadership in fiscal year 1993-1994.

Mr. John Taylor  
July 8, 1993  
Page Three

#### STRATEGY IX

- Development of Computer Aided Dispatch System

The Planning Division has been working with the Fire Department, the Health Department, EISPC, and the Purchasing Department for some time. The existing system is several years old and we are experiencing difficulty in supporting the system. A new CAD will increase our ability to respond to calls for service in a more effective manner. It is our intent to develop a request for proposal by August 1993.

#### STRATEGY X

- Development 800 MHZ Radio System

The department has been working with the Department of Electricity to design and implement an 800 MHZ system. The Police Commission has approved a resolution recommending the lease purchase of a system. The Chief Administrative Officer has been leading this effort for all City agencies using radio communications.

#### STRATEGY XI


- Construct a Centralized Communications Center

This is the ultimate solution to providing the public with a top flight emergency response. The Planning Division has held preliminary discussions with the Chief Administrative Officer, the Department of Electricity, the Fire Department, and the Health Department. Further meetings will have to be held to identify steps that will be needed to move forward.

The Department regrets the delay in providing the Board this report, but we are making progress in making Communications the most responsive in the region.

If further information is required, please contact Captain Jim Molnar of the Planning Division at 553-1124.

Sincerely,

  
ANTHONY D. RIBERA  
Chief of Police





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3-93  
CALENDAR *Actions Taken*

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

JUL 16 1993

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TUESDAY, JULY 13, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR LEAL - ITEMS 4, 7 and 8

CLERK: GAIL JOHNSON

1. File 30-93-11. Hearing to consider women's health issues. (Supervisor Alioto)

(Continued from 6/22/93)

ACTION: Hearing held. Continued to the Call of the Chair.

2. File 108-93-2. Hearing to consider HIV and women. (Supervisor Alioto)

(Continued from 6/8/93)

ACTION: Hearing held. Continued to the Call of the Chair.

3. File 168-93-2. [Open Space - Brooks Park] Resolution urging the Mayor to urge the Planning Commission and Recreation and Park Commission and urging the San Francisco Unified School District to approve having Jose Ortega School acquired by the Open Space Acquisition Fund for purposes of adding to Brooks Park. (Supervisor Shelley)

ACTION: Continued to the Call of the Chair (at the request of sponsor).

4. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets but that do not have liquor licenses. (Supervisors Hallinan, Alioto)

(Continued from 6/22/93)

ACTION: Continued to August 10, 1993, meeting (at the request of sponsor).

5. File 121-93-9. [Mechanical Amusement Devices] Ordinance amending Police Code by amending Section 1036.31 which prohibits mechanical amusement devices in buildings in certain locations, to permit mechanical amusement devices in buildings with mixed residential and commercial use by a permit issued by the Police Department. (Supervisor Hallinan)

ACTION: Hearing held. Recommended.

6. File 121-93-5. [Knife Sales to Minors] Ordinance amending Police Code by adding Section 1293 to prohibit the sale of all types of knives to minors, except for table knives and knives currently prohibited from sale under State law; and establishing penalties for violation of this section. (Supervisors Kaufman, Bierman, Alioto)

ACTION: Amended. (See files for details.) Recommended as amended. New title: "Amending Police Code by adding Section 1293 to prohibit the sale or transfer of all types of knives to minors, other than by parents or guardians, except for table knives and knives currently prohibited from sale under State law; and establishing penalties for violation of this section." Add Supervisors Leal and Shelley as co-sponsors.

#### SPECIAL ORDER - 12:00 NOON

7. File 258-92-1. Hearing to consider cost of implementation and enforcement of the American Disabilities Act. (Supervisor Kennedy)

(Continued from 6/22/93)

ACTION: Continued to August 10, 1993, meeting (at the request of sponsor).

#### ADDENDUM

8. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelley)

ACTION: Hearing held. Continued to the Call of the Chair.

File 207-93-13.1. Hearing held. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[911 Response Times] Urging the Mayor to urge the Police Commission to establish response time goals of 3 seconds for responding to calls on the 911 emergency line and to establish goals for dispatching police to emergencies and to report to the Board of Supervisors quarterly on these goals." Recommended.

File 207-93-13.2. Hearing held. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[911 Training] Urging the Mayor to urge the Police Commission to develop a comprehensive training program for dispatchers in order to improve morale in the dispatch unit and increase the efficiency of the unit and to report back quarterly to the Board of Supervisors on progress towards developing a training program." Recommended.

File 207-93-13.3. Hearing held. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[911 Capital Program] Urging the Mayor to urge the Police Commission to develop a long term capital improvement program for the 911 communications system including adequate funding for the program". Recommended.

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CITY AND COUNTY



OF SAN FRANCISCO

## BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

July 23, 1993

DOCUMENTS DEPT.

JUL 26 1993

TO: Health, Public Safety and Environment Committee

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FROM: Budget Analyst *Recommendations*

SUBJECT: July 27, 1993 Health, Public Safety and Environment Committee Meeting

### Item 1 File - 168-93-2

**Note:** This item was continued from the July 13, 1993 Health, Public Safety and Environment Committee meeting.

**Department:** Recreation and Park Department

**Item:** Resolution urging 1) the Mayor to urge the Planning Commission and the Recreation and Park Commission, and 2) the San Francisco Unified School District to approve the acquisition of Jose Ortega School by the Open Space Acquisition Fund.

**Description:** The proposed resolution advocates the acquisition of the Jose Ortega School for purposes of expanding Brooks Park. The Jose Ortega School is located at 400 Sargent Street, adjacent to the park and, if acquired, the site could include a community garden as well as a children's play area. Currently, the San Francisco Unified School District does not use the property. However, the School District is studying development opportunities for this site.

During 1993-94 Budget deliberations, the Open Space Committee recommended this property for inclusion in the Open Space Fund. However, the Planning Commission opposed such action.



**Comments:**

1. Mr. Steve Shotland, Planning Department, Open Space Program, advises that the Planning Commission rejected the proposed acquisition because such acquisition would have hindered the development schemes of the Unified School District. According to Mr. Shotland, the Planning Department received a copy of a letter, from the Superintendent of Schools to the Mayor, expressing the School District's desire to pursue development opportunities at the site. Hence, the Planning Commission, in an effort to avoid interference in the School District's plans, declined to consider the matter further.
2. Mr. Phil Arnold, Recreation and Park Department, advises that the Department has no acquisition price estimate. Moreover, there are no estimates for the cost of landscape reconstruction.
3. Mr. Joe Simmons, San Francisco Unified School District, reports that the School District is considering a variety of public-use opportunities, such as housing or open space, for the site. The property is particularly conducive to such use as it has no commercial or industrial value. However, the School District has made no decisions as to the property's ultimate use, nor has it conducted cost studies of alternatives.
4. An Amendment of the whole has been proposed which will be presented at the July 27, 1993 Health, Public Safety and Environment Committee meeting. The proposed Amendment deletes language stating that the majority of members of the Recreation and Park Commission recommended the property for inclusion in the current year's Open Space Fund. Mr. Arnold advises that the Amendment corrects the original proposed ordinance, as the item never officially came before the Recreation and Park Commission.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Health, Public Safety and Environment Committee  
July 27, 1993, Health, Public Safety and Environment Committee Meeting

Items 2 and 3 - Files 207-93-13 and 207-93-14

**Note:** Item 2, File 207-93-13, was continued at the July 13, 1993, meeting of the Health, Public Safety, and the Environment Committee Meeting

1. Item 2 (File 207-93-13) is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. Item 3 (File 207-93-14) is a hearing to consider the police response to 101 California Street and the emergency response system.

3. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators) receiving 911 bona-fide emergency calls transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 call
- Recording 911 emergency calls and police radio communications

4. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisory positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.

- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

5. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six resolutions in a memorandum dated July 8, 1993. The memorandum is attached to this report.

6. Regarding the 101 California Street incident, the hearing sponsor has requested that the Chief of Police attend the hearing and that the following named individuals be in attendance:

Deputy Chief Petrini  
Commander Richard Holder  
Inspector Napoleon Hendricks  
Captain James Molinari  
Lieutenant Bruce Lorin  
Officers who first observed the body of the assailant in the stairwell.

7. The hearing sponsor has also requested that the Police Department supply to the Health, Public Safety, and Environment Committee, either prior to the hearing or at the hearing, the tapes, or transcripts of the complete communications during the events at 101 California Street. If the Police Department is unable to comply with the foregoing request, the hearing sponsor requests that the Department provide a written opinion from the City Attorney at the hearing stating why the tapes cannot be made available to the Committee.





POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA  
CHIEF OF POLICE

July 8, 1993

Mr. John Taylor  
Clerk of the Board  
Board of Supervisors  
City Hall, Room 235  
San Francisco, Ca 94102

Dear Mr. Taylor,

This letter is in response to the Board's Resolutions numbers 207-92-11 through 207-92-11.6. Police Communications have been experiencing problems in responding to calls for service. Under the Mayor's direction the department has developed a strategic plan to enhance the operation of the emergency response system. With the assistance of the Mayor's Fiscal Advisory Committee, a pro bono group of business leaders, the department has identified strategies that address the problems within the Communications Division that span all areas of operations. The below strategies are in the process of implementation. They include short term - high payback projects - to long term permanent solutions.

## STRATEGIES I & II

### Staffing

The staffing problems that have been impacted in the past because of budget constraints, are being addressed in two ways:

1. We have identified 13 officers who have had prior experience in communications to temporarily staff the non-emergency telephone lines.
2. We have hired fourteen new dispatchers who have completed training at our Academy, and are now working in communications.
  - a. We intend to hire seventeen (17) in fiscal year 93-94

The training for these positions has been reduced from seven weeks to five weeks to enable us to run multiple classes while rotating new dispatchers on the non emergency telephone lines. Once the new dispatchers are ready to work on their own, the police officers will be returned to their prior assignments.

## STRATEGY III

### Develop a Return to Work Policy for the Department

We are in the process of developing a leave policy for the department; working with the Health Department, we are developing a return to work policy for the department that will include a program to rehabilitate those workers who are injured. In conjunction with this phase, we are researching the ergonomic environment to reduce the cases of repetitive motion injury.

Mr. John Taylor  
July 8, 1993  
Page Two

#### STRATEGY IV

- Develop Management Policy for the Communications Division

This phase of the plan is the development of policies and procedures for the division. Included will be measures and standards for our employees that will guide our operations.

#### STRATEGY V

- Education Program

This phase includes a public campaign on the use of 911 and the non emergency line. We have aired public service announcements through the media in several languages, and through SAFE have begun an education program in the neighborhoods.

Additionally, working with KBHK, an internal education program on the use of radio protocols, administrative messaging and the use of the METS system.

#### STRATEGY VI

- Auto Attendant

This has been tabled at the request of the Mayor and the Board, but our research into the use of an auto attendant on the non emergency number would facilitate the handling of telephone calls. The system is designed to provide options to callers who are reporting non threatening and business calls. The system would provide callers with information and referrals to other police and City agencies that can provide assistance. Our intent is to have all callers speak with a call taker, police officer or receptionist that can provide them assistance. This is not a voice mail system.

#### STRATEGY VII

- Teleserve

This has also been tabled, but in conjunction with the auto attendant, a teleserve program would allow the department to take reports over the telephone. Several years ago we utilized this program, but it was disbanded because technology was inadequate. Several other police agencies are using this technique with success. We anticipate that teleserve will reduce the need to dispatch officers to the scene of a crime that would not require further investigation.

#### STRATEGY VIII

- Civilianization of Communications Manager

The Department has met with Civil Service and has developed a test for new dispatchers, and new supervisors.

We have temporarily appointed two civilian shift managers pending an examination.

The department is meeting with the Department of Electricity and Telecommunications to develop a job description for this position. We intend to transition to civilian leadership in fiscal year 1993-1994.

Mr. John Taylor  
July 8, 1993  
Page Three

## STRATEGY IX

### • Development of Computer Aided Dispatch System

The Planning Division has been working with the Fire Department, the Health Department, EISPC, and the Purchasing Department for some time. The existing system is several years old and we are experiencing difficulty in supporting the system. A new CAD will increase our ability to respond to calls for service in a more effective manner. It is our intent to develop a request for proposal by August 1993.

## STRATEGY X

### • Development 800 MHZ Radio System

The department has been working with the Department of Electricity to design and implement an 800 MHZ system. The Police Commission has approved a resolution recommending the lease purchase of a system. The Chief Administrative Officer has been leading this effort for all City agencies using radio communications.

## STRATEGY XI


### • Construct a Centralized Communications Center

This is the ultimate solution to providing the public with a top flight emergency response. The Planning Division has held preliminary discussions with the Chief Administrative Officer, the Department of Electricity, the Fire Department, and the Health Department. Further meetings will have to be held to identify steps that will be needed to move forward.

The Department regrets the delay in providing the Board this report, but we are making progress in making Communications the most responsive in the region.

If further information is required, please contact Captain Jim Molnar of the Planning Division at 553-1124.

Sincerely,

  
ANTHONY D. RIBERA  
Chief of Police





Memo to Health, Public Safety and Environment Committee  
July 27, 1993 Health, Public Safety and Environment Committee Meeting

Item 4 File 207-93-12

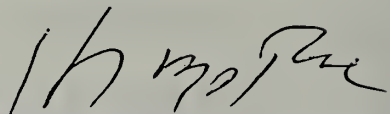
1. This item is a hearing to consider the information gathered by the Community Bridges Summer School program participants regarding safety in the Mission District.

2. The St. John's Educational Thresholds Center (a non-profit agency) in conjunction with the San Francisco Unified School District (SFUSD), has for the past five years conducted the Community Bridges Summer School program for children and teenagers ages 11 to 14 in the North Mission District. The children and teenagers who participate in the program have been identified as being at risk of academic failure. The theme of the 1993 Community Bridges Summer School program is "Public Safety". This theme was integrated into the program's main components, which include language-based academics, arts and community involvement. The program participants began by developing a youth safety community needs assessment and followed up by exploring and defining public safety issues, which included a community survey aimed at collecting opinions of the "Person on the Street". Public safety questions which were explored by the students included (1) what elements or activities are safe or unsafe for young persons, (2) do youths view public safety differently from adults, (3) how should people respond to what is happening in the community right now, (4) what role can each person play in creating a better and safer neighbor and (5) what can people do if they have no real answers. The program participants have organized their findings into an "action plan" which includes recommendations and suggestions on what City government could do to help address public safety issues in their community. These recommendations and suggestions, which the program participants plan to present along with their findings at the Health, Public Safety and Environment Committee meeting on July 27, 1993, include (1) the Mayor holding a meeting with teenagers to discuss their needs and how they feel, (2) the Health Department holding a session for teenagers on the issue of drugs, (3) the Mayor and the Police Department sponsoring a self-defense class for teenage girls, (4) providing more jobs for teenagers during the summer and after school, and (5) the School District establishing a program for teenagers who drop out of school.

3. The Budget Analyst notes that while the recommendations and suggestions of the Community Bridges Summer School program participants do not represent formal proposals for the City to act on, if these recommendations and suggestions were implemented, they could potentially involve costs to the City.

4. St. John's Educational Thresholds Center staff will attend the Health, Public Safety and Environment Committee meeting on July 27, 1993 and will be available to answer questions the Committee members may have on this subject matter.

Memo to Health, Public Safety and Environment Committee  
July 27, 1993 Health, Public Safety and Environment Committee Meeting



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Barbara Kolesar  
Ted Lakey



*lic*  
CALENDAR - *Actions Taken*

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JUL 30 1993

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**MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, JULY 27, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR SHELLEY - ITEM 4

CLERK: GAIL JOHNSON

1. File 168-93-2. [Open Space - Brooks Park] Resolution urging the Mayor to urge the Planning Commission and Park and Recreation Commission and urging the San Francisco Unified School District to approve having Jose Ortega School acquired by the Open Space Acquisition Fund for purposes of adding to Brooks Park. (Supervisor Shelley)

(Continued from 7/13/93)

ACTION: Hearing held. Amendment of the Whole, as presented by Supervisor Shelley, adopted. Recommended as amended. New title: "Urging the Mayor to urge the Planning Commission and Recreation and Park Commission and urging the San Francisco Unified School District to approve having all Jose Ortega School surplus property acquired by the Open Space Acquisition Fund for purposes of adding to Brooks Park."

2. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelley)

(Continued from 7/13/93)

ACTION: Hearing held. Continued to August 10, 1993, meeting. (Supervisor Shelley absent for vote.)

3. File 207-93-14. Hearing to consider police response to 101 California Street and the emergency response system. (Supervisor Shelley)

ACTION: Hearing held. Continued to August 10, 1993, meeting. (Supervisor Shelley absent for vote.)

4. File 207-93-12. Hearing to consider the information gathered by Community Bridges Teens regarding safety in the Mission District. (Supervisors Alioto, Leal)

ACTION: Filed (at the request of co-sponsor).



CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

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August 6, 1993

**TO:** Health, Public Safety and Environment Committee

**FROM:** Budget Analyst

**SUBJECT:** August 10, 1993 Health, Public Safety and Environment Committee Meeting

Item 1 - File 258-92-1

**Note:** This item was continued by the Health and Public Safety Committee at its meeting of July 13, 1993.

This item concerns a hearing to consider the cost of implementation and enforcement of the Americans with Disabilities Act of 1990 (ADA).

1. The ADA requires state and local governments to ensure that persons with disabilities are not excluded from or denied the benefits of public services, programs or activities ("program accessibility"). It also prohibits state and local governments from discriminating in employment against persons with disabilities. The ADA was effective as to state and local governments on January 26, 1992. Ms. Miriam Morley of the City Attorney's Office reports that the City's responsibilities under the ADA include ensuring that City programs are accessible by, for example, providing written materials in alternative formats (such as Braille or large type), providing sign language interpreters at public meetings upon request, and making structural changes necessary to provide physical access to City programs. Ms. Morley reports that the program accessibility requirements of ADA took effect on January 26, 1992 and the City has been required to be in compliance since that date. Ms. Morley also indicates that the City is required to make structural changes to comply with the program accessibility requirements of ADA as soon as practicable, but no later than January 26, 1995.



2. Mr. Paul Imperiale, the Mayor's Disability Coordinator, states that the Mayor's Office has implemented a program of self-evaluation by City departments to assess the extent to which City programs, services and activities currently comply with the program accessibility requirements of ADA. Departments have been asked to assess whether their physical facilities as well as the content of their services and programs are accessible to persons with disabilities.

3. Mr. Imperiale states that the content of the City's programs and services has generally been found to be accessible to persons with disabilities. ADA requires that the City provide services upon request in an appropriate alternative format, such as braille, large-print, or audio formats for persons with visual impairments. The City must provide public notice of the availability of alternative formats and provide such formats to persons with disabilities upon request.

However, Mr. Imperiale states that improvements are still needed in the provision of services to hearing-impaired persons and in ensuring the accessibility of public meetings. In particular, Mr. Imperiale states that American Sign Language (ASL) interpreters will increasingly be needed at public meetings on behalf of hearing-impaired persons. Although an exact estimate of the cost of such services will depend on the extent of utilization, Mr. Imperiale states that the annual cost of ASL interpreters City-wide is expected to be at least \$20,000 in 1993-94. In addition, Mr. Imperiale reports that 40 to 50 City departments, those with significant telephone contact with the public, will be required to purchase telecommunications devices for the deaf (TDDs), at a cost of approximately \$250 each for a total cost of up to \$12,500 for TDDs.

Except for the cost of ASL interpreters and TDDs and the cost of structural improvements (which are discussed separately below), Mr. Imperiale reports that the effective delivery of City services to persons with disabilities can be ensured largely through additional education and training of City employees in serving persons with disabilities. Since January, 1990, Mr. Imperiale reports that he has conducted more than 86 workshops to train City employees to improve disability access to City programs. The Mayor has required each department head to appoint a departmental ADA coordinator for his or her department who will receive ongoing training through the Mayor's Office and oversee the implementation of ADA requirements within each City agency.

#### Structural Changes to City Facilities

4. Mr. Richard Skaff, the City's Disability Access Coordinator in the Department of Public Works, reports that the most costly accessibility provisions of ADA are those which will require the renovation of City facilities to ensure physical access to City programs and services by persons with disabilities. According to Mr. Skaff, the City is required to evaluate the physical accessibility of all buildings which are owned or operated by the City, including buildings leased by the City which house public services. If access to any facility is found to be deficient, the City is required to modify the facility or transfer the program to an accessible site.

**Memo to Health and Public Safety Committee**  
**August 10, 1993 Health and Public Safety Committee Meeting**

5. Mr. Skaff and Mr. Steve Nelson of the CAO's Office have indicated that many recent renovations of City buildings have incorporated disability access improvements, but that some of these improvements were done prior to publication of ADA requirements, and therefore the buildings where renovations have already occurred will need to be surveyed to ensure full compliance. The disability access improvement projects which have already begun, and the sources and amounts of funds appropriated in fiscal years 1990-91 through 1992-93 for these projects, are as follows:

<u>Department</u>	<u>Project/Facility</u>	<u>Source of Funds</u>	<u>Amount</u>
Convention Facilities	Brooks Hall & Civil Auditorium	Convention Facilities Fund	\$350,000
Department of Public Works	Various Projects	General Fund	350,000
	Curb Ramp Program	Spcl Gas Tax Street Imp. Fund	193,000
Department of Public Health	Auditorium Stage Platform Ramps	General Fund	25,500
Recreation and Park	Various Projects	Open Space Fund	150,000
War Memorial	Opera House access	War Memorial Special Fund	204,800
	Master Plan: Davies and Zellarbach	War Memorial Special Fund	39,500
Chief Administrative Officer	City Hall Disability Access	General Fund Projects	250,000
	Emergency Reserve	General Fund Projects	<u>250,000</u>
Total			\$1,812,800

6. According to Mr. Imperiale, some of the \$11.1 million already budgeted for bond-funded seismic improvements to City buildings will be used for disability access in those buildings. Of these funds, \$250,000 has been set aside as an emergency reserve to modify City facilities in response to specific complaints concerning inadequate disability access. The bond funded projects are as follows:

1989 Earthquake Safety Bonds		
Fire Stations, Academy of Sciences, Legion of Honor		2,700,000
1990 Earthquake Safety Bonds		
Opera House, Veteran's Building, City Hall, 101 Grove Street, Civic Auditorium, Public Library facilities, Hall of Justice, Davies Hall, Music Concourse, 150/170 Otis Street, Marina Green restrooms and docks		4,430,000
1992 Fire Department Bond Issue - 29 facilities		2,132,000
Department of Public Health - reserve account		<u>75,000</u>
Bond funded projects which include disability access		\$9,337,000

7. To ensure compliance with ADA, Mr. Skaff and Mr. Nelson report that the Bureau of Architecture has undertaken a survey of City-owned buildings which house General Fund programs, to evaluate whether they meet the physical accessibility requirements of ADA and any other Federal and State laws. Mr. Nelson reports that \$300,000 was appropriated to the Bureau of Architecture in



1992-93 to conduct the surveys, which are expected to be completed by September, 1993, and which will involve approximately 500 City-owned buildings. Thus far, 150 City-owned buildings have been surveyed. The survey will not include program sites leased by the City, nor facilities operated by non-General Fund departments, such as the Airport and the Municipal Railway. The Recreation and Park Department hired a contractor who has surveyed all of its facilities. Mr. Nelson and Ms. Morley state that the surveys of City-owned buildings which are currently being conducted by the Bureau of Architecture are based on the most restrictive requirements of State and Federal law.

8. Mr. Nelson reports that estimates have not yet been prepared of the cost of renovating City-owned buildings, because the cost of the renovations will depend on the results of the Bureau of Architecture surveys and an analysis of accessibility requirements for each program in the buildings surveyed. Mr. Nelson also reports that \$100,000 is included in the proposed 1993-94 capitol budget for disabled access renovation and \$10 million is included for general disability related construction purposes. Mr. Imperiale states that funds are not available under the ADA from Federal or State sources for the cost of disability access renovations to City buildings.

9. Mr. Harry Quinn, Assistant Director of Property, states that the Real Estate Department has been incorporating ADA requirements "to the extent possible" in efforts to lease new facilities for City agencies, although not all buildings being leased by the City currently comply with the accessibility requirements of ADA. In addition, Mr. Quinn reports that the Department of Real Estate, in conjunction with individual departments, has been preparing disability access checklists for the City's existing leased facilities. However, evaluations of existing leased facilities and potential new facilities have been conducted by employees in the Department of Real Estate and departmental representatives, and not by architects or others who specialize in disability access requirements, according to Mr. Quinn. Mr. Quinn reports that the Department of Real Estate has not received any funding to implement ADA requirements for the City's leased facilities.

Mr. Quinn states that any renovations required under ADA for the City's leased facilities are the responsibility of the property owner, rather than the City. Mr. Quinn states that if the property owner is unwilling to make necessary renovations, the Department of Real Estate will seek alternative locations for new leases. Mr. Quinn states that some existing facilities have been modified by property owners to provide disability access, but that the Department of Real Estate has met considerable resistance in seeking disability access renovations, since the costs of such renovations can be considerable.

10. Mr. Skaff reports that the Bureau of Building Inspection (BBI), which is responsible to review building plans and specifications for compliance with building codes, does not currently review building plans submitted for private or public projects for compliance with ADA, but only for disability access requirements of State law. Mr. Skaff states that review of all ADA requirements will be incorporated into the review procedures of BBI when the proposed new code package of the Office



Memo to Health and Public Safety Committee  
August 10, 1993 Health and Public Safety Committee Meeting

of the State Architect, which incorporates ADA guidelines into State codes, is adopted by the State Building Standards Commission. That code package may be adopted in 1993.

Airport Facilities

11. Mr. Dave Decherd of the Airport reports that the Airport appointed a special Task Force to conduct a comprehensive survey of Airport facilities in response to the disability access requirements of ADA. The Task Force has developed a series of preliminary recommendations to enhance physical access to Airport facilities by disabled persons. Mr. Decherd reports that the recommendations have been submitted to the Airport Director for review, who will present them in final form to the Airports Commission. If adopted by the Airports Commission, the improvements would be implemented by the Facilities Operations and Maintenance Division using Airport funds, according to Mr. Decherd. The Airport budgeted \$460,000 in 1992-93 for the cost of disability access improvements, but Mr. Decherd states that this amount will not be sufficient to fund all of the accessibility improvements recommended by the Task Force. The Task Force recommendations primarily reflect minor modifications to existing facilities, and do not require large construction projects, according to Mr. Decherd. Mr. Decherd also states that full implementation of the Task Force recommendations will be a major expense in an estimated amount of \$2,824,000. The Airport has established a target completion date of January 1, 1995.

Public Transit

12. ADA requires public transit agencies to enhance access to any buses which it operates, by procuring new transit vehicles which are accessible by persons with disabilities. ADA does not require that all existing transit vehicles be modified for disabled access. Ms. Annette Williams of the Municipal Railway (MUNI) states that California law has required disabled access on new transit vehicles since the early 1980's, that MUNI's current procurement policies reflect these requirements, and therefore compliance with the ADA specifications for new transit vehicles will not impose significant new responsibilities or additional costs.

13. In addition, ADA requires transit agencies to provide paratransit services, comparable to the transit services provided to the general public, to persons with disabilities who are unable to use existing fixed route services. ADA requirements concerning the provision of paratransit services took effect January 26, 1992. Ms. Williams states that paratransit services will be in full compliance by January 26, 1997. There is a five year implementation period for paratransit services.

Ms. Williams states that MUNI currently provides extensive paratransit services (875,000 trips in 1991-92), but that additional paratransit services will be needed to comply with ADA in the future, as additional riders are certified as qualified for paratransit service. Ms. Williams states that approximately \$500,000 in additional County Transportation Authority funds will be allocated annually for

paratransit services, since 8 percent of the City's 1/2 cent sales tax revenues are set aside for paratransit services. In addition, Ms. Williams states that MUNI is eligible to apply for approximately \$450,000 annually in new State Transit Assistance funds, retroactive over the past two years, for total eligibility of approximately \$1.35 million, and that MUNI applied for \$461,000 in fiscal year 1992-93 and is planning to apply for the remaining funds in FY 1993-94.

14. ADA will also require MUNI to improve access for persons with disabilities to the MUNI-METRO light rail system at "key stations." Key stations were designated as part of an ADA-mandated planning process which MUNI completed in July, 1992. Ms. Williams reports that MUNI currently provides accessibility to 18 stations in the MUNI-METRO system, but that these stations will require further modifications, and 19 additional key stations must be constructed to comply with ADA. Ms. Williams states that this project will cost approximately \$7.5 million and that MUNI has applied for Federal funding for the project; if approved, however, Federal funding would require a local match of 10 to 20 percent, or \$750,000 to \$1.5 million.

ADA requires transit properties to implement the key station requirements of ADA "as soon as practicable," but not later than July 25, 1993. However, ADA provides that this time limit may be extended up to 30 years by the U.S. Department of Transportation due to the need for "extraordinarily expensive structural changes" to existing facilities. Ms. Williams reports that MUNI has requested an extension until December, 1996 to implement the key station disability access requirements.

Ms. Williams reports that MUNI anticipates that even with the additional funds they will not be able to fully comply with the requirements of ADA and that MUNI has hired a consultant to assist MUNI in seeking additional revenues. Ms. Williams also states that MUNI has established a seven year timetable to obtain additional revenues.

### Streets and Sidewalks

15. Mr. Skaff reports that three disability access laws (California Title 24, the Uniform Federal Accessibility Standards, and ADA) all require that public sidewalks be fully accessible to persons with disabilities, including specifications for curb ramp design and construction. Mr. Skaff states that in 1991, DPW embarked on a City-wide curb ramp program and implemented curb ramp design standards which incorporate the most restrictive sections from State and Federal laws.

Mr. Skaff reports that, at the present time, 2,500 of the City's 30,000 "angular" street corners have been surveyed for compliance with disability access requirements, and of those surveyed, 1,625 new or replacement curb ramps have been installed to current design standards.



Ms. Karen Gelman of DPW reports that the total cost of expanding the curb ramp program to comply with ADA is estimated to be approximately \$15 million. DPW has received \$900,000 for fiscal years 1991-92 and 1992-93 in 1/2 cent sales tax revenues allocated by the County Transportation Authority, and may receive an additional \$100,000 for fiscal year 1993-94. DPW has been notified that it will receive \$1 million in Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds over the next two years and \$200,000 in State Transportation Development Act (TDA) funds for 1992-93. DPW has requested \$1.3 million in Federal ISTEA funds for fiscal year 1994-95 and plans to apply for additional TDA funds for fiscal year 1993-94 in an unknown amount. Therefore, the remaining unfunded cost of the curb ramp program is approximately \$12 million, according to Ms. Gelman.

#### Non-Discrimination in Employment

16. As an employer, the City is subject to the provisions of ADA which prohibit employment discrimination against persons with disabilities. Effective July 26, 1992, the City is required not to discriminate in its hiring, examination, promotion, training, review, and dismissal procedures, nor in any other "terms, conditions, and privileges of employment." ADA defines employment discrimination to include, among other things, an employer's failure to make "reasonable accommodation" to persons with disabilities in order that they may perform job-related duties, or the use of selection criteria which tend to "screen out" individuals with disabilities.

17. Ms. Vicki Clayton of the City Attorney's Office states that San Francisco has had a long-standing policy prohibiting employment discrimination against persons with disabilities, and that significant changes in the City's examination and hiring procedures will not be required under ADA. Mr. Skaff notes that the City currently administers the "Rule 34" program, which provides that persons with disabilities may be exempt from Civil Service examination requirements for entry-level positions, and may become permanent Civil Service employees after successfully completing a series of three performance reviews in the first year of employment.

18. Ms. Clayton states that ADA will require the City to implement more comprehensive guidelines to transfer workers with disabilities into alternative positions, without thereby discriminating on the basis of disability, and to evaluate the "essential functions" of each position in City government to ensure that reasonable accommodation is made for persons with disabilities. Examples of such reasonable accommodation may include providing readers for people who are sight-impaired, special communications devices for people who are hearing or speech impaired, and part-time employment or alternative work schedules for people with certain medical conditions.



Ms. Clayton reports that the City Attorney's Office is consulting with the Mayor's Employee Relations Division concerning the employment-related requirements of ADA, and that all City departments have appointed disability coordinators who will oversee compliance with ADA's anti-discrimination provisions within each agency. Ms. Clayton states that the City could incur additional costs under ADA to define the essential functions of each City position, to pay the costs of any medical evaluations which the City independently seeks, or to implement ADA's requirements to make reasonable accommodation in employment.

### Cost Summary

19. The following table summarizes the information provided above concerning the requirements and estimated costs of implementing ADA:

<u>Component</u>	<u>Estimated Cost</u>	<u>Comments</u>
<u>Funded Projects</u>		
Disability Access Projects	\$1,812,800	
DPW Access surveys	300,000	Budgeted funds 1992-93
Airport Access Projects	<u>460,000</u>	Budgeted funds 1992-93
Total: Funded Projects	\$2,572,800	
<u>Unknown Cost Factors</u>		
Renovation of City owned buildings	not available	Actual costs will depend on survey
Additional paratransit services	not available	Actual costs will depend on demand
Reasonable accommodation in employment	not available	Actual costs will depend on situation
Survey or relocation of leased facilities	not available	DPW is surveying City-owned buildings
<u>Estimated Unfunded Costs</u>		
DPW Curb Ramp Program	12,900,000	After including \$1.2M in grant funds
MUNI Key Stations	7,500,000	MUNI has applied for Federal funds
ASL Interpreters	20,000	
Telecommunications Devices	<u>12,500</u>	
Total Identified Unfunded Costs	\$20,432,500	

20. In addition, disability access improvements have been incorporated into public works projects which have been funded by approximately \$9.4 million in bond funds. The Budget Analyst notes that MUNI has applied for State and Federal funds of approximately \$7.5 million to implement some of ADA's disability access requirements for public transit services, and may be eligible to receive an additional \$500,000 annually in 1/2 cent sales tax revenues through the County Transportation Authority. Except for these potential new revenues, no sources of financial assistance have been identified to implement the requirements of ADA.

21. Mr. Imperiale states that a failure to comply with ADA requirements could result in the loss of Federal funds for the City's programs and services.

Memo to Health, Public Safety and Environment Committee  
August 10, 1993 Health, Public Safety and Environment Committee Meeting

Item 2 - File 101-93-4

1. The proposed resolution would urge the Mayor to request the Police Commission to submit a supplemental appropriation ordinance from the Narcotics Forfeiture and Asset Seizure Fund requesting monies for youth crime prevention in the Mission District.

2. The proposed resolution states that statistics from the Police Department indicate that the Mission District is a high crime area and that gang, illegal drug sales and other illegal drug activity involving youth in the Mission District creates fear for residents and unsafe neighborhoods.

3. Pursuant to Section 10.117-54 of the Administrative Code, funds from the Narcotics Forfeiture and Asset Seizure Fund can be used to fund enforcement, training, prevention and prosecution programs related to the enforcement of narcotic laws. The balance in the Narcotics Forfeiture and Asset Seizure Fund, as of August 4, 1993, is \$165,158.

4. As of the writing of this report, no programmatic or budget details were available regarding the proposal to request monies from the Narcotics Forfeiture and Asset Seizure Fund for youth crime prevention in the Mission District.

Comments

1. Mr. Tom Strong of the Accounting Division of the Police Department reports that the \$165,158 in the Narcotics Forfeiture and Asset Seizure Fund has been earmarked to fund a continuing contract for a radio system for the Police Department and its mobile units. The contract has not, as yet, been finalized, therefore the Department does not know how much, if any, of the current balance in the Fund would be available for other expenditures. Mr. Strong advises that when the contract is fully negotiated, the Department would submit a supplemental appropriation ordinance to the Board of Supervisors to acquire the necessary monies to pay for the contract from the Narcotics Forfeiture and Asset Seizure Fund.

2. Sergeant John Bisordi of the Fiscal Division of the Police Department advises that a second-year grant, in the amount of \$164,175, from the State Office of Criminal Justice (OCJP) will be used, in part, to fund youth programs in the Mission District in 1993-94. The OCJP grant has a required local match of \$41,044. The \$41,044 plus the grant amount of \$164,175 brings the total amount available for the Mission District programs to \$205,219. Of the \$205,219, a total of \$62,581 would be used to pay for the following two youth programs aimed at crime prevention:

(1). Police Officers will coordinate with school administrators at Mission High School and Newcomer High School to provide on-site support services, which would include, providing presentations to students on drugs, crime, violence prevention, career awareness, presentations to parents and staff on drugs and gangs, assisting with counseling services, helping to organize healthy and safe activities and coordinating with school security aids to

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prevent outsider drug use or transactions and other criminal behavior. The total amount budgeted for this program is \$42,362, of which \$35,678 represents personnel costs (900 hours) and \$6,684 is for radios to maintain contact with security aids.

(2). Uniformed Police Officers will assist with recreational activities at Mission Playground, which will include coaching teams. The total amount budgeted for this program is \$20,219, of which \$18,994 represents personnel costs and \$1,225 will be used to pay for sporting equipment.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



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Item 3 - File 30-93-7

1. The proposed resolution would endorse the Department of Public Health's approach to financial restructuring as outlined in the Department's proposal entitled "The City and County of San Francisco and the Department of Public Health Financial Relationship: An Agenda for Change" and would urge the Mayor, the Controller and the Chief Administrative Officer to work with the Department of Public Health (DPH) to implement such changes.

2. In response to the City's budget constraints combined with reductions in funding from the State, the DPH has developed a long-range proposal, noted above, aimed at increasing departmental efficiency, improving accountability, enhancing operations, creating incentives for good management, promoting strategic planning and reducing its reliance on the General Fund. The proposal outlines (1) the current financial relationship DPH has with the City, (2) why the relationship must be changed now and (3) a proposal for restructuring DPH's financial relationship with the City, including what could be accomplished in the first year, the potential benefits, the potential risks, how these risks could be controlled and whether DPH could manage successfully under such a restructured relationship.

3. The DPH proposes a restructured financial relationship with the City that would be negotiated and phased in over the next three years. The DPH envisions fundamental changes that would most likely involve changes to the City Codes and to the City Charter. It is DPH's intention to work with the Mayor's Office, the Controller, the Chief Administrative Officer (CAO), and the Board of Supervisors to develop these changes.

4. A summary of DPH's proposal for restructuring its financial relationship with the City is as follows:

- (1). The City would, in essence, purchase services from DPH at an agreed-upon price and provide DPH the management flexibility necessary to provide services for that price. The proposal states that such a financial arrangement should include:
  - (a). The establishment of prices for City mandated services,
  - (b). The establishment of an adequate method for funding capital expenses. The DPH proposes that routine capital expenditures could be funded by a percentage add-on to prices and major reconstruction would continue to be financed through the sale of bonds, assuming favorable rates.
  - (c). The DPH having the managerial flexibility to operate efficiently.
  - (d). The establishment of billing and cash flow arrangements. The DPH proposes that the City would make periodic interim payments through the year to DPH to maintain cash flow. These payments would be reconciled at the end of the fiscal year to the City's actual

payment liability. The DPH would provide billing information to the City for payment and audit purposes.

- (e). The establishment of a Joint Reserve Fund to protect both the DPH and the City against unforeseen risks.
- (f). The development of a transition plan, which would govern the implementation of the restructured financial relationship. The DPH states that the plan would be developed in conjunction with the Mayor's Office, the Controller, CAO, and the Board of Supervisors. Each DPH division would have an individual transition plan as part of the overall plan

5. The DPH proposal includes the following list of benefits to the DPH and the City in connection with the proposed restructured financial relationship:

Benefits to DPH

- Greater ability to participate successfully in a managed care system.
- Greater incentives to identify and address operating inefficiencies.
- Greater incentives to develop and implement creative revenue-generating initiatives.
- Greater flexibility in capital acquisition and financing.
- Greater emphasis upon accountability at all levels with DPH; necessary framework for decentralization of responsibilities to managers.
- Greater predictability, ability to plan.
- Greater managerial flexibility.
- Enhanced ability to operate effectively in a financial environment that is becoming increasingly competitive.
- Better use of current resources; access to additional resources to meet new health care challenges (growth of AIDS, mental health, substance abuse demands, growth of the uninsured, homeless).

Benefits to the City

- Greater predictability of General Fund payments to DPH.
- Greater accountability in the use of General Fund monies based on better information on how and where they are spent.

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- Continued authority to determine the scope of services it is willing to purchase, and better information about the services provided.
- Meaningful, comprehensive oversight of City funding to DPH without the need for episodic, micro-managerial spending reviews.
- Reduction of DPH dependence on General Fund monies over time.
- Ability to meet new health care challenges, improve the DPH system while minimizing new General Fund demands.

6. The DPH proposal outlines the potential risks of a restructured financial relationship between the DPH and the City, as follows:

Risks to DPH

- Difficulty in bringing DPH costs within prevailing third party prices.
- Unpredictable costs which cannot be incorporated with the DPH-City pricing structure, such as the cost of addressing new epidemics or emergency conditions arising from natural disasters or civil disobedience.

Risks to the City

Global Risks:

- Unpredictable non-DPH expense demands, revenue shortfalls.
- Increased City-wide demand for DPH General Fund services, such as increases in the medically indigent.
- Increased City-wide demand for DPH consultation and oversight in environmental and toxins matters, particularly as the community becomes more knowledgeable about such issues and regulations become more stringent.

DPH-Specific Risks:

- Difficulty in accurately pricing DPH services.
- More limited control of DPH spending while bearing financial and political liability for potential DPH deficits.
- Inability of DPH to accurately project service volumes.
- Inability of DPH to accurately project rate changes.
- Failures of DPH management, including inability to control expenditures and failure to maximize revenues.



7. The DPH states that the above-noted risks to the DPH and the City can be controlled by (1) Continued joint involvement by the DPH and the City in periodic updating of the price setting mechanism to account for changes in the underlying volume and cost of General Fund services, (2) Continued joint negotiation by the DPH and the City on major capital projects, (3) Development of a Joint Reserve Fund for the DPH and the City for contingencies, (4) Explicit agreement about respective performance failures which require reconsideration of the new financial arrangement, (5) Development of enhanced management reporting and monitoring capability, (6) Establishment of a clearly defined transition process and period and (7) Oversight and control by the Health Commission which is appointed by the Mayor.

### **Comments of Budget Analyst**

1. While the Budget Analyst believes there could be merit to the DPH proposal for financial restructuring, the Budget Analyst believes that the Board of Supervisors should be provided with more specific detailed information regarding this proposal. Ms. Deborah Alvarez, Assistant Director of Budget and Planning for DPH acknowledges that there are no guarantees that this proposal would result in a savings to the General Fund, and that it is possible that this proposal could result in increased costs to the General Fund. However, Ms. Alvarez advises that based on the Department's research and surveys of other municipalities nation-wide where such financial restructuring has been implemented by public health systems, most particularly public health hospitals, the General Fund expenditure has either stabilized or been reduced. According to Ms. Alvarez, when financial restructuring is implemented, changes in the General Fund are primarily a function of the negotiated agreement between the municipality and the health system.

2. Ms. Alvarez advises that the Department views this proposal as a concept around which, if the proposed resolution is approved, the Department could proceed with the development of a definitive plan for financial restructuring, in conjunction with the Mayor's Office, the Controller, the CAO and the Board of Supervisors, which would be mutually beneficial to the City and the Department.

3. Mr. Larry Meredith Deputy Director for Operations for the DPH reports that the DPH cannot, at this time, provide an estimate of the total cost to develop a plan for financial restructuring. According to Mr. Meredith, the DPH will identify sources other than General Fund monies to pay for the development of the plan and not seek any additional funds from the General Fund for this purpose. Mr. Meredith could not state specifically when or whether a supplemental appropriation would be submitted in FY 1993-94 in connection with the plan. Mr. Meredith notes that the DPH has identified a law firm, Powel, Goldstein, Frazier and Murphy located in Washington D. C. from which the Department intends to hire two consultants to assist in the development of the plan. According to Mr. Meredith, this law firm was chosen because it has a high level of expertise in the area of financial restructuring. The DPH has not, as yet, determined what the cost of these contract services would be.

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4. The DPH cannot state at this time the required amount of the Joint Reserve Fund.

5. Approval of the DPH proposal could result in the Board of Supervisors no longer having any line item expenditure control over the DPH budget.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.





Item 4 - File 12-93-3.2

**Department:** Department of Public Health (DPH)

**Item:** Request for a hearing to consider the State Department of Health Services proposed maximum enrollment level under managed care prior to the implementation of the two plan model.

**Description:** In order to improve access to quality preventative and primary health care services in a cost effective manner for beneficiaries in the Medi-Cal program, the State Department of Health Services (SDHS) has committed to the rapid expansion of managed care. Under a managed care system, the City would receive from Medi-Cal periodic payments of a "capitated" amount, which would be the sum of negotiated payment rates for all Medi-Cal beneficiaries that the City enrolls. This would be a fixed, prepaid amount, regardless of services provided, rather than a reimbursement after the medical services have already been rendered, as is presently the case. Medi-Cal patients would be assigned a primary care provider, who would provide basic care and would decide when a referral to a specialist or admission to a hospital is necessary. The goal of a managed care delivery system would be to eliminate inappropriate emergency room use and specialty services and to provide an incentive for preventative care.

Accordingly, the SDHS released their Final Strategic Plan, "The Department of Health Services' Plan for Expanding Medi-Cal Managed Care" in April of 1993, in which the County of San Francisco was one of the 13 counties designated for managed care expansion. In the Final Strategic Plan, the SDHS mandated that there must be two managed care plans in each designated county in order to foster competition in the rendering of health services. The first is a mainstream, private, nongovernmentally-operated Health Maintenance Organization (HMO) plan. The second plan is for a local initiative, a new entity consisting of local providers, both public and private, and a governing body. The City has until March 31, 1995, to develop and implement the local initiative.

In the interim period, however, the SDHS plans to start enrolling Medi-Cal beneficiaries into the mainstream, HMO plan. Accordingly, on July 15, 1993, the State released its proposed maximum enrollment levels for the mainstream plan in each designated region for the interim period. San Francisco's proposed maximum enrollment level is 28,289 beneficiaries, or 49.5 percent of all mandatory managed care Medi-Cal aid beneficiaries in San Francisco, or 25 percent of

the total Medi-Cal population in San Francisco (See Comment 1). The Board of Supervisors has until August 15, 1993, to submit written comments to the State on the proposed maximum enrollment levels.

**Comments:**

1. According to Ms. Carol Piccione of the Department of Public Health's (DPH) Budget and Planning Office, there are three mandatory managed care Medi-Cal categories: Aid for Families with Dependent Children (AFDC), the AFDC-linked Medi-Cal medically needy, and medically indigent children. The SDHS proposes to enroll 49.5 percent of the beneficiaries in these three categories into the mainstream program in the interim period. Ms. Piccione reports that these three categories generally represent the lowest cost Medi-Cal beneficiaries, leaving the highest cost Medi-Cal beneficiaries to be served by health care providers in the local initiative plan, therefore furnishing the local initiative providers with a financial disadvantage.

2. According to Ms. Piccione, it is still unclear whether the 28,289 maximum enrollment level for the mainstream plan in the interim period relates to only the mandatory Medi-Cal aid categories or to the total Medi-Cal aid categories.

3. The Health Commission is concerned with the rationale used by the SDHS to determine the maximum enrollment level. The proposed maximum enrollment level for the mainstream plan of 28,289 beneficiaries, or 49.5 percent of all mandatory managed care Medi-Cal aid beneficiaries in San Francisco, means that only 28,861 beneficiaries, or 50.5 percent, would be enrolled in the local initiative plan. According to Ms. Piccione, the methodology used to derive this percentage does not have a rational basis and is in no way relevant to the percentage of beneficiaries that should be enrolled in the local initiative plan.

4. According to the Health Commission, in determining the maximum enrollment levels for the mainstream plan at 49.5 percent of mandatory Medi-Cal aid categories, the SDHS is not consistent with its previous statement in the Final Strategic Plan that the SDHS expected to set a maximum enrollment level for the mainstream plan at approximately 30 to 40 percent of the total Medi-Cal managed care eligibles in each designated county, and not 49.5 percent.

5. The Health Commission opposes such a significant enrollment of Medi-Cal beneficiaries into the mainstream plan during the transition period, while the local initiative plan is still being developed, because, by permitting the mainstream

care provider to offer services before the local initiative plan is in place, it provides the mainstream care provider with a competitive advantage and has a disruptive effect on the local initiative planning process.

6. The Health Commission has established a policy in San Francisco that all providers should be enrolling all Medi-Cal beneficiaries, not just those in the State's mandatory categories. According to the Health Commission, the local initiative planning body should be given an opportunity to consider if, and how many, Medi-Cal beneficiaries should be enrolled in the mainstream plan during the interim period. The Health Commission also believes that the local initiative planning body should have the opportunity to review and approve all applications to serve Medi-Cal managed care beneficiaries during the interim period.

7. The SDHS's proposed maximum enrollment level does not constitute a guarantee of membership, as enrollment in managed care plans during the interim period will remain voluntary.

8. The Health Commission has adopted a resolution (Resolution No. 22-93) requesting that the Board of Supervisors adopt legislation informing the SDHS of the Health Commission's concerns and recommendations by August 15, 1993.





Memo to Health, Public Safety and Environment Committee  
August 10, 1993 Health, Public Safety and Environment Committee Meeting

Item 5 - File 30-93-13

1. This item is a hearing to consider the Department of Public Health's Center for Special Problems.
2. The Center for Special Problems (CSP) is a program component of the Department of Public Health's Division of Mental Health, Forensic and Substance Abuse Services (DMFS). The CSP provides counseling, case management, medication and psycho-social support services to violent mentally ill persons (i.e., persons who commit domestic violence and child molesters), victims of physical and sexual abuse, youths who are gay, lesbian, or transgender (individuals who believe they are a female trapped in a male body or vice versa), transgender adults and HIV mentally ill persons.
3. During the FY 1993-94 budget process, funding in the amount of \$1,961,322 for the CSP was deleted from the Department of Public Health's budget as a part of the overall departmental budget reduction requested by the Mayor's Office. The Board of Supervisors subsequently established a reserve to restore funding in the amount of \$910,467 for the CSP for FY 1993-94. The \$910,467 is \$1,050,855 or 54 percent less than the \$1,961,322 budgeted for this Program for FY 1992-93. This funding will be included in a supplemental appropriation now being prepared by the DPH.
4. Mr. Larry Doyle, Fiscal Officer for the Department of Public Health (DPH) reports that the DPH has made a policy decision to use the \$910,467 currently budgeted for the CSP to maintain the existing staffing level and to operate the Program at full capacity through December 31, 1993, after which time the Program would be discontinued, if additional funding does not become available.

**Comment:**

Mr. Jeffrey Jue, Director of the DMFS advises that representatives of the DPH will be available at the Health, Public Safety and Environment Committee meeting on August 10, 1993 to answer questions and to comment on the subject matter of this hearing.





Memo to Health, Public Safety and Environment Committee  
August 10, 1993, Health, Public Safety, and Environment Committee Meeting

Items 6 and 7 - Files 207-93-13 and 207-93-14

**Note:** These items were continued at the July 27, 1993, meeting of the Health, Public Safety, and the Environment Committee

1. Item 6 (File 207-93-13) is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. Item 7 (File 207-93-14) is a hearing to consider the police response to 101 California Street and the emergency response system.

3. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency call in the City and County of San Francisco. PSAP operators (call evaluators) receiving 911 bona-fide emergency calls transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 call
- Recording 911 emergency calls and police radio communications

4. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.

- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

5. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six resolutions in a memorandum dated July 8, 1993. The memorandum is attached to this report.

6. Regarding the 101 California Street incident, the Chief of Police has stated that he will be in attendance along with the following named individuals:

Deputy Chief Frank Reed  
Captain James Molinari  
Lieutenant Bruce Lorin  
Inspector Earl Sanders  
Inspector Napoleon Hendricks  
Communications Manager Carter Douglas  
Communications Manager Karen Petromelli

7. Chief Ribera of the Police Department reports that the following steps have recently been taken to enhance the operations of the Communications Center:

- a. An overlap on dispatch channels during watch (shift) changes.
- b. The physical presence in the dispatch room of supervisors.
- c. Dispatchers are not to leave the Communications Center when an "a" priority run is in progress.

8. The hearing sponsor has also requested that Admiral (Retired) John Bitoff, Director of the Mayor's Office of Emergency Services, be in attendance at the subject hearing. Admiral Bitoff is scheduled to present a report to the Mayor on the 911 emergency system and its functioning during the 101 California Street incident by the close of business on Friday, August 6, 1993.



POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA  
CHIEF OF POLICE

July 8, 1993

Mr. John Taylor  
Clerk of the Board  
Board of Supervisors  
City Hall, Room 235  
San Francisco, Ca 94102

Dear Mr. Taylor,

This letter is in response to the Board's Resolutions numbers 207-92-11 through 207-92-11.6. Police Communications have been experiencing problems in responding to calls for service. Under the Mayor's direction the department has developed a strategic plan to enhance the operation of the emergency response system. With the assistance of the Mayor's Fiscal Advisory Committee, a pro bono group of business leaders, the department has identified strategies that address the problems within the Communications Division that span all areas of operations. The below strategies are in the process of implementation. They include short term - high payback projects - to long term permanent solutions.

## STRATEGIES I & II

### Staffing

The staffing problems that have been impacted in the past because of budget constraints, are being addressed in two ways:

1. We have identified 13 officers who have had prior experience in communications to temporarily staff the non-emergency telephone lines.
2. We have hired fourteen new dispatchers who have completed training at our Academy, and are now working in communications.
  - a. We intend to hire seventeen (17) in fiscal year 93-94

The training for these positions has been reduced from seven weeks to five weeks to enable us to run multiple classes while rotating new dispatchers on the non emergency telephone lines. Once the new dispatchers are ready to work on their own, the police officers will be returned to their prior assignments.

## STRATEGY III

### Develop a Return to Work Policy for the Department

We are in the process of developing a leave policy for the department; working with the Health Department, we are developing a return to work policy for the department that will include a program to rehabilitate those workers who are injured. In conjunction with this phase, we are researching the ergonomic environment to reduce the cases of repetitive motion injury.



Mr. John Taylor  
July 8, 1993  
Page Two

#### STRATEGY IV

- Develop Management Policy for the Communications Division

This phase of the plan is the development of policies and procedures for the division. Included will be measures and standards for our employees that will guide our operations.

#### STRATEGY V

- Education Program

This phase includes a public campaign on the use of 911 and the non emergency line. We have alred public service announcements through the media in several languages, and through SAFE have begun an education program in the neighborhoods.

Additionally, working with KBHK, an internal education program on the use of radio protocols, administrative messaging and the use of the METS system.

#### STRATEGY VI

- Auto Attendant

This has been tabled at the request of the Mayor and the Board, but our research into the use of an auto attendant on the non emergency number would facilitate the handling of telephone calls. The system is designed to provide options to callers who are reporting non threatening and business calls. The system would provide callers with information and referrals to other police and City agencies that can provide assistance. Our intent is to have all callers speak with a call taker, police officer or receptionist that can provide them assistance. This is not a voice mail system.

#### STRATEGY VII

- Teleserve

This has also been tabled, but in conjunction with the auto attendant, a teleserve program would allow the department to take reports over the telephone. Several years ago we utilized this program, but it was disbanded because technology was inadequate. Several other police agencies are using this technique with success. We anticipate that teleserve will reduce the need to dispatch officers to the scene of a crime that would not require further investigation.

#### STRATEGY VIII

- Civilianization of Communications Manager

The Department has met with Civil Service and has developed a test for new dispatchers, and new supervisors.

We have temporarily appointed two civilian shift managers pending an examination.

The department is meeting with the Department of Electricity and Telecommunications to develop a job description for this position. We intend to transition to civilian leadership in fiscal year 1993-1994.

3

Actions Taken  
/// CALENDAR //

/// **MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
// BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, AUGUST 10, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR HALLINAN - ITEMS - 5, 6 AND 7

SUPERVISOR LEAL - ITEMS 3 AND 8

CLERK: GAIL JOHNSON

DOCUMENTS DEPT.

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1. File 258-92-1. Hearing to consider cost of implementation and enforcement of the American Disabilities Act. (Supervisor Kennedy)

(Continued from 7/13/93)

ACTION: Hearing held. Continued to the Call of the Chair. Supervisors Alioto and Shelley added as co-sponsors.

2. File 101-93-4. [Narcotics Forfeiture Fund - Mission] Resolution urging the Mayor to request the Police Commission to submit a supplemental appropriation ordinance making an appropriation from the Narcotics Forfeiture and Asset Seizure Fund for youth crime prevention in the Mission District. (Supervisors Kennedy, Leal, Shelley, Alioto)

ACTION: Hearing held. Continued to September 14, 1993, meeting.

3. File 30-93-7. [Department of Public Health Financial Restructure] Resolution endorsing Department of Public Health financial restructuring. (Supervisors Alioto, Kaufman, Leal)

ACTION: Continued to the Call of the Chair (at the request of sponsor).

4. File 12-93-3.2. Hearing to consider State Department of Health Services' proposed maximum enrollment levels under managed care prior to implementation of the two-plan model. (Supervisor Shelley)

ACTION: Hearing held. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[Managed Care] Advising the State Department of Health Services of concerns regarding maximum enrollment levels of Medi-Cal beneficiaries proposed by the State Department of Health Services for managed care." Recommended. Supervisors Alioto and Leal added as co-sponsors.

5. File 30-93-13. Hearing to consider the Center for Special Problems. (Supervisor Alioto)

ACTION: Hearing held. Continued to the Call of the Chair.

6. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors' various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelley)

(Continued from 7/27/93)

ACTION: Hearing held. Continued to the Call of the Chair.

7. File 207-93-14. Hearing to consider police response to 101 California Street and the emergency response system. (Supervisor Shelley)

(Continued from 7/27/93)

ACTION: Hearing held. Continued to the Call of the Chair.

File 207-93-14.2. Hearing held. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[Commendation] Commending and honoring the police and paramedics at the scene of the 101 California Street incident for their distinguished service during the tragedy." Recommended.

Note: It is the intention of the Chair to entertain a motion to continue consideration of the following item (File 121-93-7) to the September 14, 1993, meeting:

8. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets but that do not have liquor licenses. (Supervisors Hallinan, Alioto)

(Continued from 7/13/93)

ACTION: Continued to September 14, 1993, meeting (at the request of sponsor).



43  
33  
//  
BOARD of SUPERVISORS



City Hall  
San Francisco 94102  
554-5184

AUGUST 17, 1993

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/// NOTICE OF CANCELLED MEETING

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Health, Public Safety and Environment Committee for Tuesday, August 24, 1993 at 10:00 a.m., has been cancelled.

*John L. Taylor*  
John L. Taylor, Clerk  
Board of Supervisors

POSTED: 8/17/93

HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
ROOM 235, CITY HALL  
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE

CITY AND COUNTY



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// **BOARD OF SUPERVISORS**

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

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August 27, 1993

**TO:** /// Health, Public Safety and Environment Committee

**FROM:** /// Budget Analyst

**SUBJECT:** August 31, 1993 Special Health, Public Safety and Environment Committee Meeting

Items 1 and 2 - Files 207-93-13 and 207-93-14

**Note:** These items were continued at the August 10, 1993 meeting of the Health, Public Safety, and the Environment Committee

1. Item 1 (File 207-93-13) is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. Item 2 (File 207-93-14) is a hearing to consider the police response to 101 California Street and the emergency response system.

3. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency call in the City and County of San Francisco. PSAP operators (call evaluators) receiving 911 bona-fide emergency calls transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls



- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 call
- Recording 911 emergency calls and police radio communications

4. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.
- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

5. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six resolutions in a memorandum dated July 8, 1993. The memorandum is attached to this report (Attachment I).

6. Captain James Molinari of the Police Department reports that the Department has completed its report on the 101 California incident and that the report has been submitted to the Mayor. Captain Molinari expects that the report will be released prior to the subject hearing.

7. At the direction of the Mayor, the Director of the Mayor's Office of Emergency Services, Admiral (Retired) John Bitoff, conducted a management audit of the 9-1-1 System. The letter of transmittal for that report, dated August 6, 1993, is attached to this report (Attachment II). The letter of transmittal contains the following statements:

The 9-1-1 System is in a very poor state of repair.

While 9-1-1 is a Police Department responsibility, the corporate culture, or the way we do the business of the City, must share heavily in the blame.

The ensuing shift from sworn officers to civilian dispatchers resulted in subtle changes in the department's culture that did not bode well for 9-1-1.

8. Chief Ribera of the Police Department reports that the following steps have recently been taken to enhance the operations of the Communications Center:

- a. An overlap on dispatch channels during watch (shift) changes.
- b. The physical presence in the dispatch room of supervisors.
- c. Dispatchers are not to leave the Communications Center when an "a" priority run is in progress.



POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA  
CHIEF OF POLICE

July 8, 1993

Mr. John Taylor  
Clerk of the Board  
Board of Supervisors  
City Hall, Room 235  
San Francisco, Ca 94102

Dear Mr. Taylor,

This letter is in response to the Board's Resolutions numbers 207-92-11 through 207-92-11.6. Police Communications have been experiencing problems in responding to calls for service. Under the Mayor's direction the department has developed a strategic plan to enhance the operation of the emergency response system. With the assistance of the Mayor's Fiscal Advisory Committee, a pro bono group of business leaders, the department has identified strategies that address the problems within the Communications Division that span all areas of operations. The below strategies are in the process of implementation. They include short term - high payback projects - to long term permanent solutions.

### STRATEGIES I & II

#### Staffing

The staffing problems that have been impacted in the past because of budget constraints, are being addressed in two ways:

1. We have identified 13 officers who have had prior experience in communications to temporarily staff the non-emergency telephone lines.
2. We have hired fourteen new dispatchers who have completed training at our Academy, and are now working in communications.
  - a. We intend to hire seventeen (17) in fiscal year 93-94

The training for these positions has been reduced from seven weeks to five weeks to enable us to run multiple classes while rotating new dispatchers on the non emergency telephone lines. Once the new dispatchers are ready to work on their own, the police officers will be returned to their prior assignments.

### STRATEGY III

#### Develop a Return to Work Policy for the Department

We are in the process of developing a leave policy for the department; working with the Health Department, we are developing a return to work policy for the department that will include a program to rehabilitate those workers who are injured. In conjunction with this phase, we are researching the ergonomic environment to reduce the cases of repetitive motion injury.



Mr. John Taylor  
July 8, 1993  
Page Two

#### STRATEGY IV

- Develop Management Policy for the Communications Division

This phase of the plan is the development of policies and procedures for the division. Included will be measures and standards for our employees that will guide our operations.

#### STRATEGY V

- Education Program

This phase includes a public campaign on the use of 911 and the non emergency line. We have aired public service announcements through the media in several languages, and through SAFE have begun an education program in the neighborhoods.

Additionally, working with KBHK, an internal education program on the use of radio protocols, administrative messaging and the use of the METS system.

#### STRATEGY VI

- Auto Attendant

This has been tabled at the request of the Mayor and the Board, but our research into the use of an auto attendant on the non emergency number would facilitate the handling of telephone calls. The system is designed to provide options to callers who are reporting non threatening and business calls. The system would provide callers with information and referrals to other police and City agencies that can provide assistance. Our intent is to have all callers speak with a call taker, police officer or receptionist that can provide them assistance. This is not a voice mail system.

#### STRATEGY VII

- Teleserve

This has also been tabled, but in conjunction with the auto attendant, a teleserve program would allow the department to take reports over the telephone. Several years ago we utilized this program, but it was disbanded because technology was inadequate. Several other police agencies are using this technique with success. We anticipate that teleserve will reduce the need to dispatch officers to the scene of a crime that would not require further investigation.

#### STRATEGY VIII

- Civilianization of Communications Manager

The Department has met with Civil Service and has developed a test for new dispatchers, and new supervisors.

We have temporarily appointed two civilian shift managers pending an examination.

The department is meeting with the Department of Electricity and Telecommunications to develop a job description for this position. We intend to transition to civilian leadership in fiscal year 1993-1994.

Mr. John Taylor  
July 8, 1993  
Page Three

#### STRATEGY IX

- Development of Computer Aided Dispatch System

The Planning Division has been working with the Fire Department, the Health Department, EISPC, and the Purchasing Department for some time. The existing system is several years old and we are experiencing difficulty in supporting the system. A new CAD will increase our ability to respond to calls for service in a more effective manner. It is our intent to develop a request for proposal by August 1993.

#### STRATEGY X

- Development 800 MHZ Radio System

The department has been working with the Department of Electricity to design and implement an 800 MHZ system. The Police Commission has approved a resolution recommending the lease purchase of a system. The Chief Administrative Officer has been leading this effort for all City agencies using radio communications.

#### STRATEGY XI

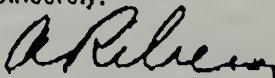
- Construct a Centralized Communications Center

This is the ultimate solution to providing the public with a top flight emergency response. The Planning Division has held preliminary discussions with the Chief Administrative Officer, the Department of Electricity, the Fire Department, and the Health Department. Further meetings will have to be held to identify steps that will be needed to move forward.

The Department regrets the delay in providing the Board this report, but we are making progress in making Communications the most responsive in the region.

If further information is required, please contact Captain Jim Molnar of the Planning Division at 553-1124.

Sincerely,

  
ANTHONY D. RIBERA  
Chief of Police



August 6, 1993

Frank M. Jordan  
Mayor

RADM, John W. Bitoff USN (Ret)  
Director

Mayor Frank Jordan  
City Hall  
San Francisco, CA 94102

Dear Mayor Jordan:

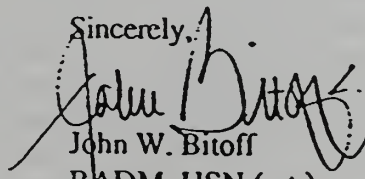
In accordance with your verbal directive, I have conducted a management audit of the San Francisco 9-1-1 System.

I regret to inform you that the 9-1-1 System is in a very poor state of repair. The problems are many, varied and run the gamut from simple to complex. The situation we are faced with did not happen over night. Many of the problems have been with us for many years, and in fact, in some instances predate the existence of 9-1-1. While 9-1-1 is a Police Department responsibility, the corporate culture, or the way we do the business of the City, must share heavily in the blame.

San Francisco's 9-1-1 has suffered from benign neglect for most of its existence. In fact, those who were present at its birth told us that "there was great resistance to implementing the 9-1-1 System from many quarters, and that then Mayor Feinstein had to induce labor" in order to get the program going. The ensuing shift from sworn officers to civilian dispatchers resulted in subtle changes in the department's culture that did not bode well for 9-1-1. What had been known to every officer as "the voice of the Chief" gradually changed from "headquarters" to "dispatch", and the message was not lost on either end of the transmission.

The most serious attention given to 9-1-1 began at the end of the last administration and was precipitated by the murder of Mr. Quackenbush. The focus on 9-1-1 increased steadily in the last two years, and reached its penultimate point about ten months ago. Unfortunately, in the face of the tragedy at 101 California, the plight of the Police Communications Center has been thrust into the public eye and can no longer develop at its current rate or circumstance. To that end, I submit this draft audit with preliminary findings and recommendations. I present them without prejudice, certain that the facts bearing on this crucial tool of public safety will allow you to act decisively to correct the deficiencies in San Francisco's 911 System.

Sincerely,

  
John W. Bitoff  
RADM, USN (ret.)  
Director





Item      3      File 206-93-5

1. This item is a hearing to consider the public safety issues at Geneva Towers.

2. The Geneva Towers apartment buildings located at 1001 Sunnydale Avenue and 222 Schwerin Street are owned by the U. S. Department of Housing and Urban Development (HUD). Mr. John Phillips Special Assistant to the Regional Administrator of HUD advises that HUD assumed ownership of this facility in June of 1991, in response to poor management (including inattention to public safety hazards at the facility) by the previous owner, Geneva Towers Association. In 1974 Geneva Towers Association, a private limited partnership, acquired a loan from HUD for the purchase of the Geneva Towers apartments.

3. Geneva Towers is a high-rise apartment building complex with a total of 576 units (primarily one and two bedrooms). According to Mr. Phillips, 330 or 57 percent of these units are currently occupied. Mr. Phillips reports that the tenant population is 83 percent African American, 10 percent White (this category includes Hispanics), 6 percent Asian and 1 percent American Indian. Mr. Phillips advises that all tenants currently housed at this facility pay 30 percent of their income towards the rent. The remainder of the operating costs for this facility is absorbed by HUD. Mr. Phillips reports that the average total monthly rent amount paid by the tenants is \$70,000, which represents 11 percent of the total monthly cost of \$615,000 to operate the facility. HUD currently contracts with Republic Management, a private firm, for the management of this apartment building. Republic Management was awarded this contract in June of 1993, when the prior contract with John Stewart Company expired.

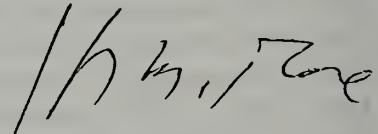
4. This hearing is being held to address the on-going concerns of tenants at the Geneva Towers apartments regarding public safety and housing issues.

5. A fire and life safety inspection was conducted at the Geneva Towers apartments by the San Francisco Fire Department on May 7, 1991. This inspection resulted in the Fire Department issuing numerous findings and citations to the prior owner, Geneva Towers Association, regarding safety hazards at the apartment building. In response to the Fire Department inspection as well as other issues related to public safety and substandard housing conditions at the apartment building, HUD undertook corrective measures in several areas including safety hazards, security, maintenance, building improvements, administration, social service programs and long term planning. Attached is a copy of the Fire Department's inspection report, which according to Mr. Phillips came from the files of the Fire Department, indicating that HUD is either now in compliance regarding the safety codes or in the process of correcting deficiencies.

**Comments**

1. Chief Richard Condon Fire Marshal of the Fire Department confirms that the Geneva Towers apartment building is currently in compliance with the City's Fire Safety Codes with the exception of certain outstanding deficiencies which are in the process of being corrected. Chief Condon states that many of the deficiencies include such items as holes in walls and damaged exit doors due to vandalism. According to Chief Condon, the Fire Department is in the process of preparing a report on the recent fire which took place at Geneva Towers apartments and that this report, which would be confidential until it has been processed through the Chief of the Fire Department's office, should be available to the public within one to two weeks.

2. Mr. Phillips reports that HUD is currently exploring various options for a major renovation of the Geneva Towers apartments. HUD expects to arrive at a conclusion regarding this matter within the next two years. Mr. Phillips advises that in preparation for this planned renovation, as tenants move out, apartments are being kept vacant.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Jean Harris  
Ted Lakey



CITY AND COUNTY OF SAN FRANCISCO  
**SAN FRANCISCO FIRE DEPARTMENT**



FREDERICK F. POSTEL, *Chief of Department*  
MICHAEL T. FARRELL, *Deputy Chief - Operations*  
JOHN F. BOSCACCI, *Deputy Chief - Administration*

260 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA, 94102  
(415) 861-8000, EXTENSION 281  
May 28, 1991

Mr. David Harbatkin  
Geneva Towers Apartments  
1001 Sunnydale Avenue  
San Francisco, Ca 94134

CLEARED  
REPORT  
From FIRE Dept  
Files

NOTICE TO CORRECT FIRE HAZARDS

Subject: FIRE AND LIFE SAFETY INSPECTION  
Location: 222 Schwerin Street, San Francisco

Dear Mr. Harbatkin:

A fire and life safety inspection was conducted at the above-referenced address on May 16, 1991. Enclosed you will find a list of items which requires correction as quickly as possible in order to maintain an acceptable standard of fire and life safety.

It is required that you submit a plan of correction with anticipated dates of correction within thirty (30) days of receipt of this letter. If those dates have to be adjusted, you will be notified of this need. Reinspection will be conducted in accordance with the approved correction plan in order to confirm compliance.

Your cooperation in this matter and your attention to the safety of your facility and its occupants are appreciated. If you have any questions or need assistance, please feel free to call me at 861-8000, extension 310.

Sincerely,

FREDERICK F. POSTEL  
Chief of Department

Joe Graff  
Fire Safety Inspector  
Bureau of Fire Prevention

LIST OF ITEMS REQUIRING CORRECTION  
FOR: 222 Schwerin StreetDate of Inspection: May 16, 1991  
Inspected By: Joe Graff

- 1) San Francisco Fire Code, Section 10.401; San Francisco Building Code, Section 1701

2-5-92  
f.b.  
OK

Provide one-hour fire resistive construction to seal the penetrations in the walls of telephone and/or electrical closets in the following location(s):

- a) High voltage room - repair all holes in lower garage;
- b) All sink rooms;
- c) Electricals pannel rooms;
- d) Floor 20, garbage room;
- e) Floor 19, garbage room;
- f) Floor 19, laundry room;;
- g) Floor 19, south storage room;
- h) Floor 18, garbage room;
- i) Floor 17, laundry room;
- j) Floor 16, storage room;
- k) Floor 12, laundry room;
- l) Floor 5, laundry room;
- m) Floor 4, south side garbage shute;
- n) Floor 3, garbage shute;
- o) Floor 2, garbage shute.

- 2) Uniform Building Code, Sections 1706(b) and (c); San Francisco Fire Code, Section 10.402(a)

In progress  
2-5-92  
f.b.

Repair or replace linen and/or trash chute door(s).

Doors shall be provided with approved self-closing and latching devices in order to restrict the spread of smoke and fire. Location(s):

- a) Floor 20, north garbage shute door - repair 2.P. garbage shute door;
- b) Floor 10, garbage shute door (North);
- c) Floor 2 - replace missing door;
- d) Garbage shute door, south - replace missing door.

- 3) Uniform Building Code, Section 4306; California Code of Regulations, Title 19, Section 3.24; San Francisco Fire Code, Section 10.402(a)

In progress  
2-5-92  
f.b.  
On-going

Provide the fire-rated door(s) in the following location(s):

- a) Lower garage, exit door south end - repair door handle;
- b) 2P-Level - repair north side exit door;
- c) Repair roof boiler room doors.

## 4) San Francisco Fire Code, Section 10.402(a)

Maintenance stairwell conditions. Location(s):

Floors	North Stairwell Doors	North Vestibule	South Stairwell Doors
OK 20th			Repair
ND 19th	Repair	Repair	
ND 17th	Repair	Repair	Repair
ND 16th	Repair		Repair
ND 15th	Repair	Repair	Repair
14th	Repair	Repair	Repair
12th	Repair	Repair	Repair
11th	Repair	Repair	Repair
10th	Repair	Repair	Repair
9th	Repair	Repair	Repair
8th	Repair	Repair	Repair
7th	Repair	Repair	Repair
6th	Repair	Repair	Repair
5th		Repair	Repair
4th	Repair		Repair
3th	Repair		Repair
2nd	Repair		Repair

N.D.  
OK  
ND  
ND  
ND  
ND  
J.D.  
2-5-92  
on-going  
✓

## 5) San Francisco Fire Code, Section 10.402

Repair garbage room doors at the following location(s):

- a) Floor 20, south garbage room door;  
 b) Floor 17, south garbage room door;  
 c) Floor 16, south garbage room door;  
 d) Floor 14, south garbage room door;  
 e) Floor 14, north garbage room door;  
 f) Floor 12, north garbage room door;  
 g) Floor 11, south garbage room door;  
 h) Floor 10, north garbage room door;  
 i) Floor 7, south garbage room door;  
 j) Floor 6, north garbage room door;  
 k) Floor 5, north garbage room door;  
 l) Floor 4, north garbage room door;  
 m) Floor 2, south garbage room door.

N.D.  
2-5-92  
J.D.  
on-going  
✓

## 6) San Francisco Fire Code, Section 10.306.2(a); Title 19, California Code of Regulations, Section 3.24

Fire alarm systems shall be maintained in an operative condition at all times. The following condition(s) requires immediate correction:

- OK a) Floor 2, north end of building - replace missing hose rack;  
 OK b) Lower garage, south end - replace fire alarm horn.



- 7) Uniform Building Code Standards 38-1, Section 38.126(g); National Fire Protection Association Standard 13, Section 3-16.7

OK Provide six (6) spare sprinkler heads (representing those on system) and special sprinkler wrenches to be kept in the spare sprinkler head cabinet. Location(s): Near sprinkler control valve.

- 8) San Francisco Fire Code, Section 10.302(a); Uniform Building Code Standards No. 38-1, Section 38.124(b); National Fire Protection Association Standard 13, Section 3-14.2.3

OK Secure and lock all sprinkler valves in an open position. Location(s): North and south side on roof all sink rooms and all garbage rooms.

- 9) Title 24, California Code of Regulations, Section 1745; Uniform Building Code, Section 3314(a); San Francisco Fire Code, Sections 12.113.1 and 12.113(a)

Repair additional illuminated exit signs(s) in the following location(s):

- OK
- a) Floor 20, south and north;
  - b) Floor 19, south;
  - c) Floor 18, north and south;
  - d) Floor 17, south;
  - e) Floor 16, south;
  - f) Floor 14, north;
  - g) Floor 12, south;
  - h) Floor 11, north;
  - i) Floor 10, north;
  - k) Floor 9, north and south;
  - l) Floor 6, south;
  - m) Floor 5, north and south;
  - n) Floor 4, north and south;
  - o) Floor 2P, south end.

- 10) San Francisco Fire Code, Section 10.303

OK Portable fire extinguishers. To recharge all fire extinguishers.

- 11) San Francisco Fire Code, Section 85.104; National Fire Protection Association Standard 70; National Electrical Code, Section 370-18(c)

Provide approved cover plates for exposed electrical wiring in the following location(s):

- OK
- a) Floor 15, room next to Suite 1510;
  - OK b) Floor 11, room next to Suite 1103;
  - OK c) Floor 8, room sink room;
  - OK d) Floor 6, south garbage room;
  - OK e) Floor 4, sink room.

- 12) Title 19, California Code of Regulations, Section 3.19; San Francisco Fire Code, Sections 11.203(b) and (c)

OK All areas that are not approved for storage shall be kept free from combustible materials at all times. Location(s): All electrical rooms.

- 13) San Francisco Fire Code, Section 10.402(a)

OK Repair all corridor fire dampers. Location(s): Floor 19, stairs - repair fire dampers.

- OK 14) Provide an approved pre-fire plan for subject building. For further information regarding approval of your plan, contact Captain John Drocco at (415) 861-8000, extension 310.

- 15) Provide certification of the fire safety director as required by Title 19, Section 3.09 of the California Code of Regulations and San Francisco Fire Code, Section 12.203. For further information regarding the enrollment and certification, please contact City College of San Francisco, Downtown Campus, at (415) 267-6500 for a time schedule.

- 16) San Francisco Fire Code, Section 12.202(e)2; Title 19, California Code of Regulations, Section 3.09(e)

OK The owner or management of any high rise building shall be responsible for conducting an emergency drill at least once each year. Drills shall include the actual evacuation or relocation of building occupants. (Hotel guests are exempt from such exercise.) Records of all drills shall be maintained for Fire Department review.

- OK 17) Title 19, California Code of Regulations, Section 3.09(c); San Francisco Fire Code, Sections 12.202(e)3 and 12.202(d)2

Emergency procedures information printed on a floor plan shall be posted in conformance with San Francisco Fire Department Office Bulletin 90-02 (enclosed for your reference).

Kindly submit the draft plan(s) for Fire Department approval prior to posting.

Existing emergency procedures posted prior to April 11, 1990 may have their use continued until April 11, 1991.

- OK 18) San Francisco Fire Code, Section 10.306.2(b)

Fire alarm systems shall be tested monthly with accurate records kept.



- 19) San Francisco Fire Code, Sections 10.306.2(b), 10.302(b) and 10.210(b); National Fire Protection Association Standard 20, Sections 11.3.1 and 11.4.4; Title 19, California Code of Regulations, Section 1.09(a); National Fire Protection Association Standard 110, Section 6-4; National Fire Protection Association Standard 110, Section 6-4; National Fire Protection Association Standard 72E, Sections 8-3.2.2 and 8.3.3.1; National Fire Protection Association Standard 72F, Section 2-6.2

The Fire Department requires routine testing of all emergency equipment. Records of all tests shall be maintained on-site for Fire Department review. Kindly review the following required schedule and adjust your testing procedures accordingly:

- (a) Fire alarm - monthly test;
- (b) Voice Communication System - quarterly test;
- (c) Fire Department Communication System - quarterly test;
- (d) Smoke detectors - semi-annual test;
- (e) Heat detectors - semi-annual test;
- (f) Elevator car emergency equipment and key operation - monthly test;
- (g) Automatic door closures - quarterly test;
- (h) Failsafe door release mechanisms - quarterly test;
- (i) Fire pump - operated weekly and an annual flow test;
- (j) Emergency lighting and exit lights - quarterly test;
- (k) Emergency generator - Inspected weekly and exercised for 30 minutes monthly.

- 20) San Francisco Fire Code, Section 10.210(b)

OK Monthly tests shall be conducted of all emergency equipment within each elevator car. This shall include (though shall not be limited to) firemen's key operations and emergency phones.

- 21) Title 19, California Code of Regulations, Sections 904(a)1 and 904(a)3

OK Maintenance inspections shall be conducted for standpipe and automatic sprinkler systems. Such inspections may be performed by building personnel with accurate records kept. Standpipe inspections shall be conducted semi-annually and sprinkler system inspections shall be conducted quarterly.

- 22) San Francisco Fire Code, Sections 10.306.2(b) and 10.306.7(c)

OK The Fire Department requires monthly testing of the fire alarm system with accurate records kept. Because records have not been maintained for the premises, the Fire Department requires immediate certification of the system by a California licensed contractor (with a C-10, C-16 or C-61 license).



- 23) San Francisco Fire Code, Section 12.106(e); Uniform Building Code, Section 3306(a)

OK

Provide an approved sign at each stairway landing for all enclosed stairways. The sign shall indicate the floor level, the terminus of the top and bottom of the stairway and the identification of the stairway. It shall be located approximately 5 feet above the floor landing and shall be visible from the stairway side when the door is in the open or closed position.

Please refer to enclosed Appendix I-C of the San Francisco Fire Code for additional information.

- 24) Title 19, California Code of Regulations, Sections 3.09(c)1 and 2; San Francisco Fire Code, Section 12.202(e)1

OK

Provide emergency evacuation plans which shall be posted in each elevator lobby, access to stairwell and immediately inside all public entrances to the building. Plans shall be approved by the Bureau of Fire Prevention prior to posting. Refer to Office Bulletin 90-02 for further information.

- 25) National Fire Protection Association Standard 110, Section 6-4; San Francisco Electrical Code, 1984 Edition, Article 700, Section 700-4; Uniform Building Code Standard 18-1, Section 18.103(c)

The emergency power generator shall be inspected weekly and exercised monthly for 30 minutes under not less than 50 per cent load in order to ensure that it is functional at all times. Records of tests shall be maintained and made available to the Fire Department.

- 26) California Code of Regulations, Title 24, Part 2, Section 3312(a) and (b)

OK

Whenever the building is occupied, all exit paths shall be lighted so that they are easily recognized. Relocate emergency lighting; lights must be clearly visible in both directions. Location(s): Throughout building.

- 27) San Francisco Fire Code, Section 10.202; National Fire Protection Association Standard 72A, Sections 3-2.21 and 3-2.2.3

OK

Paint the fire alarm pull stations red so that they are of contrasting color and readily visible. Location(s): Throughout building.

- 28) Title 19, California Code of Regulations, Sections 3.24 and 904.3; San Francisco Fire Code, Section 10.302(a)

OK

Replace missing standpipe and Fire Department connection caps. Location(s): At each Fire Department inlet.

- 29) Title 24, California Code of Regulations, Section 2.1739

In Progress

To complete voice notification in stairwells.

CITY AND COUNTY OF SAN FRANCISCO  
SAN FRANCISCO FIRE DEPARTMENT

FREDERICK F. POSTEL, *Chief of Department*  
MICHAEL T. FARRELL, *Deputy Chief... Operations*  
JOHN F. BOSCACCI, *Deputy Chief... Administration*



260 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA, 94102  
(415) 861-8000, EXTENSION 281

May 24, 1991

Mr. Eugene Burger  
Management Corporation  
Generva Towers Apartments  
481 Via Hidalgo  
Greenbrae, CA 94904

CLEARED Report  
From  
Fire Dept  
Files

NOTICE TO CORRECT FIRE HAZARDS

Subject: FIRE AND LIFE SAFETY INSPECTION  
Location: 1001 Sunnydale Avenue, San Francisco

Dear Mr. Harvatkin:

A fire and life safety inspection was conducted at the above-referenced address on May 7, 1991. Enclosed you will find a list of items which requires correction as quickly as possible in order to maintain an acceptable standard of fire and life safety.

It is required that you submit a plan of correction with anticipated dates of correction within thirty (30) days of receipt of this letter. If those dates have to be adjusted, you will be notified of this need. Reinspection will be conducted in accordance with the approved correction plan in order to confirm compliance.

Your cooperation in this matter and your attention to the safety of your facility and its occupants are appreciated. If you have any questions or need assistance, please feel free to call me at 861-8000, extension 310.

Sincerely,

FREDERICK F. POSTEL  
Chief of Department

Joe Graff  
Fire Inspector  
Bureau of Fire Prevention

JG/PJS/ml:3960U

17

cc: Mr. David Harvatkin



LIST OF ITEMS REQUIRING CORRECTION  
FOR: 1001 Sunnydate AvenueDate of Inspection: May 7, 1991  
Inspected By: Joe Graff

- OK 1) Title 24, California Code of Regulations, Section 5103(I)E; San Francisco Fire Code, Section 10.210(a)

Provide one (1) key(s) for the elevator recall system. Key must be kept in the Fire Department lockbox or an accessible location. A total of one (1) key(s) shall be kept in said location.

- int  
Den 2) San Francisco Housing Code, Section 903

Provide automatic sprinkler system coverage for combustible storage. Location(s): Ground Floor, storage area - remove combustible storage.

In Progress

- 3) Title 24, California Code of Regulations, Section 2-1739

Complete work on voice notification system.

- OK 4) Appendix VI-E, San Francisco Fire Code, Section 5103(f), Title 24, California Code of Regulations, Section 309 of Title 19 California Code of Regulations, effective date April 11, 1990, San Francisco Fire Code, Section 12.203(3)

To Provide evacuation signs.

- OK 5) San Francisco Fire Code, Section 12.106(e); Uniform Building Code, Section 3306(a)

Provide an approved sign at each stairway landing for all enclosed stairways. The sign shall indicate the floor level, the terminus of the top and bottom of the stairway and the identification of the stairway. It shall be located approximately 5 feet above the floor landing and shall be visible from the stairway side when the door is in the open or closed position.

Please refer to enclosed Appendix I-C of the San Francisco Fire Code for additional information.

- OK 6) Title 24, California Code of Regulations, Section 1745; Uniform Building Code, Section 3314(a); San Francisco Fire Code, Sections 12.113.1 and 12.113(a)

Provide additional illuminated exit signs(s) in the following location(s): Ground office area.



- o.k 7) National Fire Protection Association Standard 110, Section 6-4;  
San Francisco Electrical Code, 1984 Edition, Article 700,  
Section 700-4; Uniform Building Code Standard 18-1, Section  
18.103(c)

The emergency power generator shall be inspected weekly and exercised monthly for 30 minutes under not less than 50 per cent load in order to ensure that it is functional at all times. Records of tests shall be maintained and made available to the Fire Department.

Not  
Done-

8)

- San Francisco Fire Code, Section 10.302(b)

Repair and maintain all lights throughout building.

2 9)

- Title 24, California Code of Regulations, Section E740-18; San Francisco Fire Code, Section 21.06(a)

Provide and store box opening wrench, keys for all pull boxes and complete instructions for resetting the system.

Provide and store in an accessible area, those items necessary for proper operation and/or maintenance of fire alarm pull boxes.

OK

10)

- San Francisco Fire Code, Section 10.202; National Fire Protection Association Standard 72A, Sections 3-2.21 and 3-2.2.3

Paint the fire alarm pull stations red so that they are of contrasting color and readily visible.

- 11) San Francisco Fire Code, Sections 10.302(c) and (a); Title 19, California Code of Regulations, Sections 3.24 and 904.3

Replace missing nozzle(s) for fire hose and dry standpipe. Location(s):

- o.k a) Floor 20, hose rack - re-hang hose and provide nozzle;
- o.k b) Floor 18, west side - replace missing dry standpipe outlet cap;
- c) Floor 12, laundry room, sprinkler pipe;
- c) d) Replace all missing sprinkler and dry standpipe inlet caps;
- c) e) Replace missing dry standpipe outlet cap on east side dry standpipe.

12) San Francisco Fire Code, Section 10.402(a)

In  
progress

Repair the trash room doors in order to make them self-closing and latching in the following location(s):

- a) Floor 16, west - replace missing handle on laundry room door;
- b) Floor 16, west, seal hole above laundry room door;
- c) Floor 11 - repair laundry room door;
- d) Floor 8 - replace cover plate for sprinkler garbage chute;
- e) Floor 6 - repair garbage room door;
- f) Floor 5, west - repair garbage room;
- g) Service all corridor fire dampers.

13) San Francisco Fire Code, Sections 10.302 and 10.302(a); California Code of Regulations, Title 19, Subchapter 3, Section 597.1(a)

OK

Fire extinguisher(s) shall be serviced yearly or immediately after use. Servicing must be done by state licensed fire extinguisher service company. Location(s): Roof boiler room - recharge fire extinguishers.

14) San Francisco Fire Code, Section 85.104; National Fire Protection Association Standard 70; National Electrical Code, Section 370-18(c)

OK

Provide approved cover plates for exposed electrical wiring in the following location(s): Garage, electrical room - reinstall electrical panel cover.

15) San Francisco Fire Code, Section 10.306.2(b)

OK

All alarm system shall be tested monthly to assure that it is functional at all times. A record of all tests shall be maintained for the Fire Department on the premises. Location(s): Replace missing horn in garage next to elevator lobby.

16) San Francisco Fire Code, Section 10.302(a); Uniform Building Code Standards No. 38-1, Section 38.124(b); National Fire Protection Association Standard 13, Section 3-14.2.3

OK

Secure and lock all sprinkler valves in an open position. All laundry rooms and roof control valves for garbage chutes.

17) Uniform Building Code Standards 38-1, Section 38.126(g); National Fire Protection Association Standard 13, Section 3-16.7

1

Provide six (6) spare sprinkler heads (representing those on system) and special sprinkler wrenches to be kept in the spare sprinkler head cabinet.

18) San Francisco Fire Code, Section 10.302(a)

Repair all rusty and broken sprinkler pipe in laundry room. Location(s):

- c<sup>k</sup> a) Floor 20, garbage room - replace sprinkler heads;
- 2. b) Floor 15 - replace head west garbage room chute.

19) Provide certification of the fire safety director as required by Title 19, Section 3.09 of the California Code of Regulations and San Francisco Fire Code, Section 12.203. For further information regarding the enrollment and certification, please contact City College of San Francisco, Downtown Campus, at (415) 267-6500 for a time schedule.

20) Provide an approved pre-fire plan for subject building. For further information regarding approval of your plan, contact Captain John Drocco at (415) 861-8000, extension 310.

21) San Francisco Fire Code, Sections 10.306.2(b), 10.302(b) and 10.210(b); National Fire Protection Association Standard 20, Sections 11.3.1 and 11.4.4; Title 19, California Code of Regulations, Section 1.09(a); National Fire Protection Association Standard 110, Section 6-4; National Fire Protection Association Standard 110, Section 6-4; National Fire Protection Association Standard 72E, Sections 8-3.2.2 and 8.3.3.1; National Fire Protection Association Standard 72F, Section 2-6.2

The Fire Department requires routine testing of all emergency equipment. Records of all tests shall be maintained on-site for Fire Department review. Kindly review the following required schedule and adjust your testing procedures accordingly:

- (a) Fire alarm - monthly test;
- (b) Voice Communication System - quarterly test;
- (c) Fire Department Communication System - quarterly test;
- (d) Smoke detectors - semi-annual test;
- (e) Heat detectors - semi-annual test;
- (f) Elevator car emergency equipment and key operation - monthly test;
- (g) Automatic door closures - quarterly test;
- (h) Failsafe door release mechanisms - quarterly test;
- (i) Fire pump - operated weekly and an annual flowtest;
- (j) Emergency lighting and exit lights - quarterly test;
- (k) Emergency generator - inspected weekly and exercised for 30 minutes monthly.



22) Uniform Building code, Section 1701; San Francisco Fire Code, Section 10.401

OK

Provide two hour fire-resistive construction to seal the wall penetrations. Location(s):

- a) Floor 20, laundry room and slop room;
- b) Floor 19, slop room;
- c) Floor 17, laundry room and slop room;
- d) Floor 16, laundry room and slop room;
- e) Floor 15, laundry room and slop room;
- f) Floor 14, laundry room and slop room;
- g) Floor 12, slop room;
- h) Floor 11, slop room;
- i) Floor 10, slop room;
- j) Floor 9, laundry room and slop room;
- k) Floor 8, slop room;
- l) Floor 7, laundry room and slop room;
- m) Floor 6, laundry room;
- n) Floor 5, slop room;
- o) Floor 4, slop room;
- p) Floor 3, Laundry room and slop room;
- q) Floor 2, slop room;

23) Title 24, California Code of Regulations, Section 1745; Uniform Building Code, Section 3314(a); San Francisco Fire Code, Sections 12.113.1 and 12.113(a)

OK

Provide additional illuminated exit signs(s) in the following location(s):

- a) Floor 20, east and west;
- b) Floor 19, east and west;
- c) Floor 18, east and west;
- d) Floor 17, east and west;
- e) Floor 16, east;
- f) Floor 15, east and west;
- g) Floor 12, west;
- h) Floor 11, east;
- i) Floor 10, west;
- j) Floor 8, east and west;
- k) Floor 7, east and west;
- l) Floor 6, east and west;
- m) Floor 5, east;
- n) Floor 3, west;
- o) Floor 2, east and west.

- 24) San Francisco Fire Code, Section 10.402(a); Uniform Building Code, Section 4306; Title 19 California Code of Regulations, Section 3.24

ND

Stairwell conditions. Location(s):			
Floors	West Stairwell doors	East Vestibule	East Smoke Tower
20			
19	Repair	Repair	Repair
18	Repair		
17	Repair	Repair	
16	Repair	Repair	Repair
15	Repair		
14	Repair	Repair	Repair
12	Repair		
11	Repair		Repair
10	Repair	Repair	Repair
9	Repair		
8		Repair	
7	Repair	Repair	Repair
6	Repair	Repair	
5	Repair	Repair	Repair
4	Repair		Repair
3	Repair	Repair	
2	Repair		

✓

- 25) San Francisco Fire Code, Section 10.402(a)

Garbage Chute. Location(s):

ND

Floors	East Garbage chute	West Garbage Chute
20	Seal penetrations	
19		
18	Repair door	
17		
16	Repair door	
15	Repair door	
14	Replace missing door	
12		Replace missing door
11	Repair door	
10		
9	Repair door	
8		
7		
6		
5		
4	Seal penetrations	Seal penetrations
3	Seal penetrations	
2	Seal penetration	

✓

C A L E N D A R

SPECIAL MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT (C)  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, AUGUST 31, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY AND HALLINAN

ABSENT: SUPERVISOR LEAL

CLERK: GAIL JOHNSON

DOCUMENTS DEPT.

SEP 3 - 1993

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1. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors' various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelley)

(Continued from 8/10/93)

ACTION: Hearing held. Continued to the Call of the Chair.

2. File 207-93-14. Hearing to consider police response to 101 California Street and the emergency response system. (Supervisor Shelley)

(Continued from 8/10/93)

ACTION: Hearing held. Continued to the Call of the Chair.

3. File 206-93-5. Hearing to consider public safety issues at Geneva Towers. (Supervisors Hallinan, Alioto, Shelley)

ACTION: Continued to September 14, 1993, meeting (at the request of sponsor).

4. File 207-93-16. Hearing to consider the issue of public safety in the areas of Fisherman's Wharf, North Beach, Chinatown, and Bay and Taylor Street cable car turnaround (Northeast Corridor). (Supervisor Shelley)

ACTION: Continued to September 14, 1993, meeting (at the request of sponsor).





**BOARD OF SUPERVISORS****BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

September 3, 1993

**TO:** Health, Public Safety and Environment Committee

**FROM:** Budget Analyst

**SUBJECT:** September 8, 1993 Special Health, Public Safety and Environment Committee Meeting

Item 1 - 118-93-8

1. The proposed ordinance would amend Part II, Chapter V of the San Francisco Municipal Code (Health Code) by adding Article 19E, consisting of Sections 1009.5 through 1009.8, to prohibit smoking in places of employment and certain publicly owned sports arenas.

2. Section 1008.2 of the Health Code currently prohibits smoking in enclosed property owned or leased by the City and County of San Francisco. Article 19.A, Section 1006 of the Health Code requires non-smoking tables in restaurants.

3. The net effect of the proposed ordinance would be that smoking would be banned entirely, not just in City owned or leased buildings, but in all workplaces within the geographic boundaries of San Francisco, including restaurants and bars. The proposed ordinance would only exempt hotel and motel guest rooms and facilities being used for charity bingo games. In addition, the proposed ordinance would prohibit smoking at publicly owned open space sports arenas with a seating capacity of at least 30,000 people, not including the parking lots. Currently, Candlestick Park is the only open space sports arena that would be affected by the proposed ordinance.

**Comments**

1. Mr. Jack Breslin of the Department of Public Health (DPH), Environmental Health Services reports that DPH has responsibility for enforcing the existing smoking regulations in buildings owned or leased by the City as well as educational facilities in the City. Mr. Breslin advises that the DPH currently has one half-time Senior Environmental Health Inspector assigned to handling smoking-related complaints in the workplace (public and private). This position is funded by Tobacco Tax funds. Mr. Breslin believes that the proposed amendments to the Health Code would serve to simplify the smoking regulations in the long-term. For example, currently the City requires restaurants to provide an unspecified number of tables for non-smoking patrons. A non-smoking table can be next to a smoking table. Thus, if someone complains to DPH about a smoker in a restaurant, it is difficult to determine whether the restaurant violated the City's Health Code.

2. However, DPH estimates that, based on the current complaint rates for the existing non-smoking ordinances, the proposed ordinance would generate approximately 50 complaints per month and approximately 100 telephone requests for information and guidance each month. The DPH reports that each complaint may require up to four hours to resolve and each telephone call would take approximately 20 minutes. Thus, approximately 233 hours each month would be required to implement the proposed ordinance. The DPH further reports that after one year the complaints and telephone calls should decrease by 33 percent to 155 hours per month. Thus the Department advises that it would require 1.5 FTE Environmental Health Inspector at a total annual cost of \$118,038 to implement the proposed ordinance for the first year and one FTE Environmental Health Inspector at an annual cost of \$78,691 for each year thereafter. Approximately .23 FTE administrative and staff support staff would also be required at approximately \$15,660 annually. Additional costs such as materials and supplies, mileage and training at an estimated \$9,000 annually would also be associated with the proposed ordinance. Thus, the Department estimates that after the first year, the proposed ordinance would cost \$103,351 annually to implement.

3. The Director of Public Health would enforce the provisions of the proposed ordinance by serving notice to violators requiring correction within a reasonable time that would be specified by the Director. If the violator does not comply, the Director could request the City Attorney to take injunctive action and assess a civil penalty not to exceed \$500. In addition, the person making the complaint or the owner of the premises could seek damages of up to \$500 a day from the smoker for each day the violation occurs.

4. In addition, violation of the proposed ordinance would be a misdemeanor. If an action were brought by the District Attorney and if convicted of the misdemeanor, the penalty could be up to \$250 for the first violation, up to \$350 for a second violation within one year and up to \$600 for each additional violation within a year.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



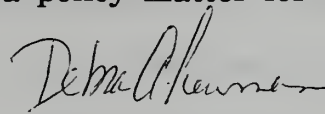
Memo to Health, Public Safety and Environment Committee  
September 8, 1993 Special Health, Public Safety and Environment Committee  
Meeting

5. Mr. Breslin reports that the City has not had to levy fines under the existing non-smoking ordinance that covers City-owned or leased buildings. Mr. Breslin advises that it is unlikely the City would receive additional revenue from the penalties included in the proposed ordinance.

6. According to the Department of Public Health, 50 California cities have ordinances eliminating smoking in workplaces and restaurants, 20 cities have ordinances eliminating smoking in restaurants only and 11 cities have ordinances eliminating smoking in the workplace only for a total of 81 California cities that have non-smoking ordinances.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

  
for Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Theresa Lee  
Ted Lakey

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



13  
3  
**CALENDAR** — *Actions Taken*

**SPECIAL MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

WEDNESDAY, SEPTEMBER 8, 1993 - 2:00 P.M.

LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

CLERK: GAIL JOHNSON

1. File 118-93-8. [Smoking Prohibition] Ordinance amending Health Code by adding Sections 1009.5 through 1009.8 to prohibit smoking in places of employment and certain publicly owned sports areas. (Supervisors Alioto, Bierman, Leal)

ACTION: Hearing held. Continued to September 28, 1993, meeting.

DOCUMENTS DEPT.

SEP 10 1993

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43  
CITY AND COUNTY



OF SAN FRANCISCO

93  
16  
**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

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SEP 14 1993

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September 10, 1993

111  
**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst  
**SUBJECT:** September 14, 1993 Health, Public Safety and Environment  
Committee Meeting

Item 1 File 206-93-5

**NOTE:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of August 31, 1993.

1. This item is a hearing to consider the public safety issues at Geneva Towers.

2. The Geneva Towers apartment buildings located at 1001 Sunnydale Avenue and 222 Schwerin Street are owned by the U. S. Department of Housing and Urban Development (HUD). Mr. John Phillips Special Assistant to the Regional Administrator of HUD advises that HUD assumed ownership of this facility in June of 1991, in response to poor management (including inattention to public safety hazards at the facility) by the previous owner, Geneva Towers Association. In 1974 Geneva Towers Association, a private limited partnership, acquired a loan from HUD for the purchase of the Geneva Towers apartments.

3. Geneva Towers is a high-rise apartment building complex with a total of 576 units (primarily one and two bedrooms). According to Mr. Phillips, 330 or 57 percent of these units are currently occupied. Mr. Phillips reports that the tenant population is 83 percent African American, 10 percent White (this category includes Hispanics), 6 percent Asian and 1 percent American Indian. Mr. Phillips advises that all tenants currently housed at this facility pay 30 percent of their income as rent. The remainder of the operating cost for this facility is absorbed by HUD. Mr. Phillips reports that the average total monthly rent amount paid by all tenants is \$70,000, which represents 11 percent of the total monthly cost of \$615,000 to operate the facility. HUD currently contracts with Republic Management, a private

firm, for the management of this apartment building. Republic Management was awarded this contract in June of 1993, when the prior contract with John Stewart Company expired.

4. This hearing is being held to address the on-going concerns of tenants at the Geneva Towers apartments regarding public safety and housing issues.

5. A fire and life safety inspection was conducted at the Geneva Towers apartments by the San Francisco Fire Department on May 7, 1991. This inspection resulted in the Fire Department issuing numerous findings and citations to the prior owner, Geneva Towers Association, regarding safety hazards at the apartment building. In response to the Fire Department inspection as well as other issues related to public safety and substandard housing conditions at the apartment building, HUD undertook corrective measures in several areas including safety hazards, security, maintenance, building improvements, administration, social service programs and long term planning. Chief Richard Condon, Fire Marshal of the Fire Department, advises that the Geneva Towers apartment building complex is currently in compliance with the City's Fire Safety Codes with the exception of certain outstanding deficiencies which are in the process of being corrected. Chief Condon states that many of the deficiencies include such items as holes in walls and damaged exit doors due to vandalism. Attached is a summary report, as prepared by Chief Condon, which outlines the Fire Department's history of inspections at Geneva Towers apartments since 1991, including the most recent inspection on January 26, 1993.

### **Comments**

1. Chief James Olson of the Fire Department advises that the Department is in the process of preparing a report on the recent fire which took place at Geneva Towers apartments. According to Chief Olson, this report is scheduled to be submitted to the Fire Commission, by the Chief of the Fire Department, on September 12, 1993. Chief Olson advises that the Fire Commission has the discretion to make the determination as to when the report would be released to the public.

2. Mr. Phillips reports that HUD is currently exploring various options for a major renovation of the Geneva Towers apartments. HUD expects to arrive at a conclusion regarding this matter within the next two years. Mr. Phillips advises that in preparation for this planned renovation, apartments are now being held vacant as tenants move out.



# San Francisco Fire Department

## Division of Fire Prevention & Investigation



September 1, 1993

Ms. Sandy Brown-Richardson  
Budget Analyst's Office  
1390 Market Street, Suite 1025  
San Francisco, CA 94102

Dear Ms. Brown-Richardson:

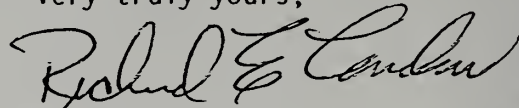
I have enclosed for the Health & Safety Committee's review a summary of the San Francisco Fire Department's inspection history regarding the Geneva Towers located at 1001 Sunnysdale and 222 Scherwin Streets as well as the results of the most recent, January 26, 1993 high rise inspection.

It is important to note that many of the code violations are recurring and involve doors or penetrations through walls which have been damaged through vandalism or have been removed from the building. The San Francisco Fire Department is recommending the installation of magnetic hold-open devices, which release upon alarm, on doors which are required to be closed to prevent the spread of fire or contamination by smoke.

Additionally, on September 30, 1992, the San Francisco Fire Department was informed by the management at Geneva Towers that their apartments are now owned by the Housing & Urban Development, an agency of the Federal government, and as a result, the San Francisco Fire Department has no jurisdictional authority to enforce State and/or City regulations on the buildings. However, on the advice of the City Attorney's Office, the Department has diligently continued its regular inspection of the tower apartment structures to identify and seek the correction of code violations through notice to the appropriate parties.

In closing, it is important to note that Geneva Towers' management have been generally cooperative in their efforts to correct Code violations. However, expedient compliance to correct Code violations is at times difficult to achieve from management without persistent efforts by the Department's inspection personnel. The towers management have expressed a desire to comply with all applicable City and State Code requirements. In fairness to management, recurring maintenance issues, such as the problem previously noted concerning damaged/vandalized doors, which account for the majority of Code violations at the towers, is a continuing and difficult problem for management. As of August 23, 1993, there were no open complaints concerning the Geneva Tower apartments.

Very truly yours,



Richard E. Condon  
Fire Marshal  
Division of Fire Prevention  
And Investigation

cc: Jean Paul Samaha  
Administrative Assistant  
Office of Supervisor Terrence Hallinan  
City Hall, Room 235  
San Francisco, CA 94102

REC/SP/1km:3002Q

SUMMARY

- 1) 60 Inspections have been conducted since 1988 at Geneva Towers (222 Schwerin & 1001 Sunnydale).
- 2) 41 Notices of Violation have been issued since 1988 and the present. All have been abated within a reasonable time.
  - a) 20 for 222 Schwerin
  - b) 16 for 1001 Sunnydale
  - c) 5 for the child care center
- 3) The Annual High Rise inspections identified the following violations:
  - a) 1991: 230 violations
  - b) 1992: 145 violations
  - c) 1993: 56 violations

There is an effort being made by the building management to correct all of the identified deficiencies, and it is obvious that progress is being made.

- 4) The building management's efforts to abate building violations are hampered by their procurement process and recurring problems relating to the vandalism of required doors and penetrations through walls which accounts for a large number of violations in the towers.
- 5) In September of 1992 the San Francisco Fire Department discovered a Child Care Center which had been constructed of combustible materials on the second floor of 222 Schwerin. The Center had been constructed without a local permit or plan review and approval. Fire Clearance from the Fire Department, which is required by the State to operate, was denied.
- 6) In September of 1992, the Geneva Towers management informed the Department that the Department of Housing and Urban Development had assumed ownership of the towers in June 1991 and as a result the San Francisco Fire Department's jurisdictional authority had ceased.
- 7) On the advice of the City Attorney, the San Francisco Fire Department has continued inspecting the towers regularly, identifying violations and noticing the Geneva Towers management regarding the needed corrections even though the San Francisco Fire Department no longer has enforcement authority.

The Child Care Center at 222 Schwerin has not received fire clearance from the San Francisco Fire Department and is operating without a license.



## 1001 SUNNYDALE/222 SCHWERIN

Annual Highrise Inspection 1/26/93

## LIST OF DEFICIENCIES

	<u>222 Schwerin</u>	<u>1001 Sunnydale</u>
Hasp locks on laundry room exit doors (abated improperly with slide bolts: needs to be abated properly)	1	2
Wedged doors on all stairs vestibules (abated but constantly recurring)	1	1
Provide rated doors all stairs, vestibules, laundry rooms, garbage rooms (abated but constantly recurring)	3	3
Junction box covers needed (abated but constantly recurring)	1	2
AS heads with heavy dust all laundry rooms (abated but constantly recurring)	1	1
Penetrations garbage rooms, laundry rooms, sinks (abated but constantly recurring)	4	3
FDC caps missing (abated but constantly recurring)	1	1
Repair fire-rated doors-panic hardware (abated but constantly recurring)	1	
Repair fire-rated doors-self-closures/latches (abated but constantly recurring)		4
Repair/replace fire-rated doors-stairway, laundry, garbage (abated but constantly recurring)		3
Service fire extinguisher (abated but constantly recurring)	1	
Lint collectors cleaned all laundry rooms (abated but constantly recurring)	1	1
5-year test sprinklers & standpipes (abated, certified in 1991)	1	1
Routine testing & record keeping reminder (Emergency plan to be submitted for approval)	2	2
Add sign for fire extinguisher cabinet (abated but constantly recurring)		1

222 Schwerin 1001 Sunnydale

Non-approved storage area (boiler room, mechanical, etc.) (abated but constantly recurring)	2
Secure sprinkler valves open (abated but constantly recurring)	1
Rusted FD inlet manifold (abated improperly: needs to be abated properly)	1
Extend alarm audibility, maintenance office (new construction) (abated but constantly recurring)	1
Sprinkler protection required in storage rooms (storage removed; maintenance & janitorial supply) (abated but constantly recurring)	2
Add exit signs – FSD Office (new construction) (abated but constantly recurring)	1
Add AS shut-off valve sign (abated but constantly recurring)	1
Add sign on time-delayed opening doors (new construction) (abated but constantly recurring)	1

3004Q





Item 4 - File 30-93-14

1. The following item is a hearing to consider the waiting period for filling prescriptions at the Outpatient Pharmacy at San Francisco General Hospital (SFGH).

2. The Attachment provides the response regarding the Outpatient Pharmacy at SFGH from Mr. Richard Cordova, Executive Administrator at SFGH.

3. As noted in the Attachment, the current waiting time for prescriptions at the Outpatient Pharmacy ranges from one to four hours for emergency/urgent medications and the average waiting time for routine prescriptions has ranged from 24 to 72 hours, and has peaked as high as 96 hours (four days) for routine prescriptions by the end of August, 1993. SFGH estimates that if budgeted funds for Registry services (contractual services used on an as-needed basis) are used to achieve a prescription waiting time of 24 hours on average for routine prescriptions, the current budgeted funds for Registry services would be exhausted by mid-November.

4. The budget for the Outpatient Pharmacy has the following budgeted positions:

<u>Position</u>	<u>Number</u>
Pharmacist	15.0
Pharmacy Technicians	9.0
Clerk Typist	<u>2.5</u>
Total	26.5

21.5 of these positions are filled and 5 are vacant.

5. During FY 1992-93, the SFGH hired an additional two Pharmacists, two Pharmacy Technicians and one Supervising Pharmacist, for a total of five additional positions in the Outpatient Pharmacy. SFGH reports that during the FY 1993-94 budget process, salary savings was increased and therefore the Department was unable to fill vacant positions to meet salary savings, and Registry funds (contractual services used on an as-needed basis) and the Overtime budget was also significantly reduced, from approximately \$436,176 during FY 1992-93 to \$70,000 for FY 1993-94.

6. The SFGH anticipates requesting a supplemental appropriation to fill five vacant permanent positions (four Pharmacists and a Clerk Typist for label production) in order to maintain prescription waiting times at about 24 hours for routine prescriptions. The estimated annual salary and fringe benefit costs for these positions will be approximately \$327,013 at the maximum salary step. According to Dr. Heard, the SFGH also anticipates requesting additional Registry funds of approximately \$100,000 and \$20,000 in Overtime funding for the remaining part of FY 1993-94. Therefore, the SFGH estimates that in order to keep the average waiting time at about 24 hours, SFGH would require an additional

Memo to Health, Public Safety and Environment Committee  
September 14, 1993 Health, Public Safety and Environment Committee Meeting

\$283,507 for FY 1993-94 (consisting of \$163,507 in funding to fill five vacant positions for the balance of FY 1993-94, from January 1, 1994 through June 30, 1994, \$100,000 in Registry funds and \$20,000 in Overtime dollars) and subsequently an additional \$327,013 on an annual basis for the five positions. If the Mayor's Office approves a supplemental appropriation request to fill these five vacant positions and additional Registry and Overtime funds, the Budget Analyst will review this request and make a specific recommendation to the Board of Supervisors' Budget Committee at that time.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



San Francisco General Hospital  
Medical Center  
4C Administration  
(415) 206-8528

DATE: September 7, 1993

RECEIVED

SEP 08 1993

ADMINISTRATION  
SAN FRANCISCO GENERAL HOSPITAL

TO: Supervisor Susan Bierman  
Supervisor Terence Hallinan  
Supervisor Barbara Kaufman  
City and County of San Francisco  
Room 235, City Hall  
San Francisco, California 94102

THRU: Florence Stroud *F. Stroud*  
Acting Director of Public Health

FROM: Richard D. Cordova *R. Cordova*  
Executive Administrator

SUBJECT: SFGH PHARMACEUTICAL SERVICES

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Pursuant to your request, please find attached chronology of management actions implemented within the last 2 years in an continuing effort to improve pharmaceutical services to our patients at SFGH.

Several external factors have influenced our ability to respond successfully to the ever increasing demand on our limited resources. They are:

- o National shortage of pharmacists.
- o Proposition "A" (early retirement with resultant loss of staff).
- o A city-wide mandate to reduce "overtime".
- o A board interest that we minimize the use of compensatory time.

In spite of the above, we have earnestly attempted to assure that patients in need of emergent/urgent medications, receive them in a timely manner. You will note in the attachment that SFGH has a process to expedite the dispensing of urgent medication. The waiting time for these prescription ranges from 1-4 hours.



Memo to Supervisors Bierman, Hallinan & Kaufman

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In additional we have implemented the following actions:

- The Hospital is using available Registry funds to "catch up" the present back log of prescriptions (about 1200). As of 9/7/93 there was no backlog at the outpatient Pharmacy.
- Available Registry funds will continue to be used to maintain a waiting time of 24 hours or less. The budgeted amount will be exhausted by mid-November.
- Additional Registry funding will be requested to "flex up" until vacancies are filled.
- Additional funding will be requested to fill five permanent positions (4 pharmacists, 1 clerk typist for label production), which will maintain prescription waiting time at 24 hours or less.
- Evaluate alternatives to decrease the demand on the SFGH DPS such as contracting with private pharmacies. A Department of Public Health wide task force is being established to review and possible alternatives.

We hope the attached addresses most questions/concerns you may have regarding Pharmaceutical Services at our hospital.

Members of my staff, Dr. Stuart Heard and Robert Christmas are available to provide you additional information if requested.

We appreciate your concern and continued support.

FS/RDC/bes

**City and County of San Francisco**



**Department of  
Public Health**

San Francisco General Hospital  
Medical Center

**San Francisco General Hospital  
Department of Pharmaceutical Services (DPS)  
OUTPATIENT PHARMACY - CHRONOLOGY  
September 2, 1993**

*For years, waiting time for prescriptions has averaged from four to eight hours, sometimes longer. As the demand increased over the years, certain actions have been taken to mitigate the long waits. What follows is a list of the actions taken along with both near and long term plans.*

- Fall 1991                      Non-competitive salaries at the time of a local and national pharmacist shortage made recruitment and hiring difficult. Long standing vacancies led to increased waiting times, of about 24 hours.
- The Hospital began work with Civil Service Salary Division to increase pharmacist salaries to improve recruitment, including conducting a local pharmacist salary survey which verified the lower salaries being paid to pharmacists at SFGH compared with area hospitals.
- Feb. 1992                      Due to the Civil Service designation of pharmacists as "professionals", overtime worked could only be compensated as compensatory time off. "Comp time" was a limited incentive for DPS staff to work additional hours to help with the prescription workload. The Hospital began work with the Mayor's Office and the Controller's office to allow pharmacists to receive paid overtime, as an increased incentive for current staff to work additional hours. This process was finalized in June 1992.
- March 31, 1992              Passage by the City voters of Proposition A in November of 1991, led to early retirements of five (5) pharmacy employees. These retirements exacerbated waiting times, to routinely be greater than 24 hours. Replacing the retirement positions took seven months, with hiring in October 1992.
- June 1992                      Pharmacists began to receive paid overtime, and worked 80 hours of overtime during the first month of implementation assisting in filling prescriptions.
- July 1, 1992                      The Salary Standardization Ordinance became effective, that included a salary increase for pharmacists of 16% which brought the Step V salary of the salary range to community standard for starting pay.
- FY 92/93                      Registry pharmacists were used (equivalent to 3 FTE) pharmacists, at a cost of \$280,800, for the whole fiscal year. This type of staffing was used for peak periods during the year.

FY 92/93  
(continued)

Paid overtime was used by pharmacists (nearly 600 hours, 0.3 FTE) to assist when "flexing up" was needed to compensate for unfilled vacant positions and during times of staff absence due to vacation and sick leave.

The DPS participated in the Department of Public Health mandatory furlough. Each employee was off for two days over the course of 3 months (April - June). The result was waiting times increased during these periods.

Compensatory time off balances decreased by 500+ hours, 0.25 FTE, meaning fewer pharmacist hours were available to fill prescriptions.  
(Pharmacists earned 1,500 hours, and used 2,050 hours)

Summer 1992

Established expedited prescription processes to assure urgent prescription needs were met.

- 1) Emergency Department - a unique prescription form was established.
- 2) Pediatrics - expanded "Mini-Pharmacy" stock for physician dispensing.
- 3) Ward 86, GMC, FHC - established procedure for providers to indicate in writing on the prescription of the need to expedite.
- 4) Others - categorical requirement to expedite all prescriptions (Child Protective Services, PES, Patient Referral requests, etc.)

October 1992

Hired two pharmacists and two pharmacy technicians for Outpatient pharmacy, after receiving approval to replace retirements and improved pharmacist salaries. As a result, fewer expensive registry dollars were used, and while the waiting time did not change, labor dollars were being spent in the most cost effective manner.

November 1, 1992

The California State Board of Pharmacy implemented new regulations requiring a pharmacist to counsel all patients receiving prescriptions. This regulation is designed to improve patient care, but was also labor intensive requiring the use of 2 FTE pharmacists each day to counsel patients, and therefore reducing the number of pharmacists available to fill prescriptions. This contributed to increased waiting times.

December 1992

Due to the aforementioned staffing shortages, the DPS concentrated personnel resources into direct patient care activities, at the expense of complying with other regulatory agencies including the JCAHO and Title 22. As a result, during the December 1992 site visit, the DPS was found to be out of compliance on two key issues, Medication Storage Area Inspections (MSAI) and Quality Assurance.

Jan, Feb, Apr 1993

The DPS hired three Supervising Pharmacists for Purchasing (an early retirement replacement), Inpatient and Outpatient. This restoration of the management structure of the DPS allowed for:



1. Assignment of the Inpatient supervisor to be responsible for the aforementioned regulatory deficiencies. As a result, the DPS Quality Assurance/Improvement Plan implemented, and MSAI were at 80% completion. Continued activities indicate these areas will be substantially improved for the JCAHO Focused Visit expected in December of 1993.
2. Implementation by the Outpatient Supervisor of several organizational changes to assign staff to specific stations, resulting in better turn around time for expedited and discharge prescriptions. Also recruited volunteers, pharmacy technician students and pharmacy school students for assistance in appropriate tasks in Outpatient Pharmacy, which has temporarily increased the staffing modestly, and allowed pharmacists to perform fewer non-pharmacist tasks, and concentrate on prescription filling.

July 1993

During the initial Budget process, the DPS had transferred Overtime and Registry dollars to Permanent Salaries to allow hiring of permanent staff vacancies in FY 93/94. However, subsequent Budget cuts to DPS Personnel Budget (in the form of city-mandated unspecified salary savings) reduced permanent salary dollars, which de-funded three vacant, approved for hire positions.

As a result, for FY 93/94, the DPS has significantly fewer Registry funds (\$40,000, 0.4 FTE), and Overtime funds (\$30,000), compared to FY 92/93, when \$280,800 (3 FTE) was funded and spent for Registry, and \$155,376 was funded and spent for Overtime.

As a result, the Department has been unable to "flex up" during peak periods, and the wait time for routine prescriptions has ranged from 24 to 72 hours. The wait time for expedited prescriptions was regularly 1 hour, but sometimes ranged from 2 - 4 hours.

Mandates to reduce compensatory time balances decreased the DPS ability to have pharmacists work additional hours to provide patient services. As a result, fewer extra hours can be worked to help reduce the waiting time.

mid-August 1993

Several vacations and emergency sick leaves, created a backlog in the preparation of prescription labels, hampering pharmacists efforts to fill prescriptions. Some overtime (< 10 hours) and Registry pharmacists (about 50 hours) were used to assist. As a result, the wait time for routine prescriptions increased from 3 days, to 4 days.

Physicians, conscious of the lengthening wait time, increased their requests for prescriptions to be expedited, from about 15% of the prescriptions to about 40%. As a result, the wait time for expedited prescriptions also increased, up to 6 - 8 hours at times, but usually ranged from 1 to 4 hours.

August 31, 1993      The wait time for routine prescriptions reached 4 days, however the expedited wait time for urgent prescriptions remained at one hour.

**Immediate Action  
Taken:**

The Hospital will use available Registry funds to "catch up" the present backlog (about 1,200 prescriptions). To achieve a prescription waiting time of 24 hours on average, the budgeted amount of Registry dollars will be exhausted by mid-November.

**Near Term Action:**

Request funding and approval to fill five permanent positions (4 pharmacists, and a clerk typist for label production) which would maintain prescription waiting time at about 24 hours.

In order to provide reasonable pharmaceutical services to patients, including a prescription waiting time of no more than 4 hours, funding would be needed for additional personnel. These positions are in addition to filling current vacancies, and include two (2) pharmacists, two (2) technicians, and two (2) clerk/typists.

**Long Term Action:**

Budgetary constraints require evaluation of alternatives which would decrease the demand on the SFGH DPS by arranging for patients to receive pharmaceutical services at other sources, or by other means. These alternatives to decentralize must evaluate the amount of funding needed (is it more or less than the amount to fund the needed additional personnel described above), the patient considerations (language, literacy, homelessness, culture, compliance, transportation, fragmentation of care, etc.), the methods (community pharmacy networks, such as the AIDS Drug Program, mail service, other), and the policy issues (City general fund dollars paid to private businesses, etc.). Implementation of such a system is certainly complex and will require effective patient identification and eligibility systems similar to those which will be required for managed care.

Item 5 File 118-93-6

1. The proposed ordinance would amend Section 60 of the Health Code to make it legal to have wild and potentially dangerous animals at film and video production sites and require the presence of a California Board-Certified veterinarian when such animals are on any legally permitted site in San Francisco.

2. Section 60 of the Health Code currently allows zoos, circuses, museums, educational institutions, veterinary hospitals and the public pound to sell, have, keep, maintain, possess, or control wild and potentially dangerous animals within the City and County of San Francisco, provided that local, State and Federal regulations are met and such animals are confined in a manner which protects the public from harm. The proposed ordinance would amend Section 60 to also allow film and video productions to have wild and potentially dangerous animals on site. Additionally, Section 60 would be amended to provide that in addition to meeting local, State and Federal regulations and confining such animals in a manner which protects the public from harm, a California Board-certified veterinarian must also be present at film and video production sites as well as at the other above noted sites to insure the well being of such animals.

### Comments

1. Ms. Lorrae Rominger Executive Director of the Film and Video Arts Commission reports that in practice animals, primarily barnyard or trained performing animals, have been used in film productions in the City for many years. According to Ms. Rominger, it was recently brought to the Commission's attention that having such animals present on film production sites was not legally permitted. Ms. Rominger advises that it has been the Commission's on-going policy to only allow such animals on a film site if the animal's trainer, a certified veterinarian and a representative of the Police Department are also on site to monitor the activities of these animals.

2. Mr. Jack Breslin Assistant Director of the Department of Public Health (DPH), Environmental Health Program reports that DPH staff does not have a set schedule for on site monitoring of wild and potentially dangerous animals, but instead responds to individual inquiries or complaints regarding such animals. As such, according to Mr. Breslin, departmental costs associated with monitoring these types of animals is minimal and would remain so if this ordinance is approved.

### Recommendation

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**





Item 6 - File 297-93-1

1. This item is a hearing to consider the closure of the Transbay Terminal between the hours of 12:00 a.m. to 6:00 a.m., and the effects on the homeless population.

2. The Transbay Terminal, located on 1st Street between Mission Street and Howard Street, is operated by the California Department of Transportation (Caltrans). Caltrans estimates that the Transbay Terminal services 26,000 passengers each weekday who utilize AC Transit, Muni, Golden Gate Transit, SamTrans, Greyhound and Grayline tours.

3. Caltrans announced that certain portions of the San Francisco Transbay Terminal not needed for transit riders will be closed each night. Caltrans reports that the lower level of the facility has been locked at 7 p.m. each night, and the remainder of the facility has been closed daily at 1 a.m. beginning Sunday, August 15, 1993. Caltrans indicates that the facility reopens at 5 a.m. The Greyhound Office will remain open 24 hours a day.

4. Prior to the decision to close portions of the Transbay Terminal, up to 300 homeless persons per night were using the terminal. Caltrans contends that the California State Police has reported over 200 crimes or incidents during June, 1993 at the terminal, including homicide. Caltrans further contends that these crimes have forced Amtrak to move its ticket office to the Ferry Building in June, 1993, and the homeless presence drives travelers away from the Transbay Terminal's transit systems.

5. Caltrans reports that the City's Mayor's Office was notified of the nighttime closure plan for the terminal as early as December, 1992.

Comments

1. According to Ms. Eleanor Jacobs, Homeless Coordinator of the Mayor's Office, during the evening of August 14, 1993, approximately 145 persons were in the Transbay Terminal and not 300 persons that were originally estimated. Ms. Jacobs reports that the Mayor's Office, the Department of Social Services (DSS), and the Traveler's Aid Program (a Federally-grant funded program providing services to the homeless at the Transbay Terminal) made efforts to find emergency housing for the homeless persons in the Transbay Terminal.

2. According to Ms. Carolyn Plybon of the Department of Social Services (DSS), the following emergency shelter arrangements were made for the estimated 145 persons located at the Transbay Terminal: 10 beds were held at the Episcopal Sanctuary, 25-35 beds were held for women only at the St. Paulus Shelter, and 20 beds were held at both the North of Market and South of Market Multi-Service Centers (or 40 beds at the multi-service centers). In addition, Ms. Jacobs reports that 50 beds were also provided at various single room occupancy (SROs) hotels. Therefore, a total of between 125 to 135 beds were held, 25 to 35 of which had to be

occupied by women only. As noted, an estimated 145 persons were using the Transbay Terminal the weekend of the closure.

3. Ms. Jacobs indicates that not all of the 125-135 beds held by the City were used by the homeless persons from the Transbay Terminal, but these persons either found alternative shelter or did not show up to use the beds. Ms. Plybon reports that if the beds that were not used by the Transbay Terminal population, the beds were used by other homeless persons. Ms. Plybon indicates that the multi-service center beds were held for the Transbay Terminal population through September 1, 1993, the Episcopal Sanctuary beds and the SRO beds are to be held for 30 days through September 13, 1993, and the St. Paulus Shelter beds are available for an indefinite length of time. Ms. Plybon reports that all of the homeless persons in the shelters, including those from the Transbay Terminal, were provided various case management services, such as applying for General Assistance, or directing them to other housing programs.

4. Ms. Plybon reports that because existing shelters were used, such as the multi-service centers, the City incurred no additional costs for holding these beds for the Transbay Terminal population. However, Ms. Jacobs reports that the SRO beds that will be provided for 30 days will cost the City between \$14,000 and \$16,000, and although emergency State grants funds are being requested by the Mayor's Office, if these State grants funds are not approved, then these costs will have to be funded through the General Fund.

5. In addition to these temporary shelter provisions for the Transbay Terminal homeless population, Ms. Jacobs reports that the Mayor's Office is identifying additional SROs that can be used for housing. However, Ms. Jacobs indicates that because of a lack of available City funds, persons would have to volunteer \$280 of their monthly GA checks to pay for the SROs. According to the Department of Social Services, the monthly GA payment is \$345. Therefore, over 80 percent of the person's income would have to be spent on housing.



Item 7 - File 121-93-11

**Item:** The proposed ordinance would amend Part II, Chapter VIII of the San Francisco Municipal Code (Police Code) by amending Section 675.2 relating to regulating the posting of signs on lampposts along Market Street.

**Description:** The area of Market Street between Steuart and Valencia Streets is decorated with 327 lampposts which are a designated as historic landmark. These lampposts are known as the "Market Street Path of Gold." The pillars of these lampposts are shaped to include historical subjects, such as Indians on horseback and ox-drawn covered wagons pictured with a pioneer. According to the proposed ordinance, the use of these ornate pillars for the purpose of posting signs threatens the preservation of these landmarks. The proposed ordinance would add Section 675.2 to the Police Code, which would prohibit the posting of signs on lampposts that are a part of the "Path of Gold."

The proposed ordinance would impose a fine of \$50 to \$250, plus payment for expenses incurred by the City in removing the signs, for those found guilty of violating Section 675.2. After four violations of Section 675.2, any ensuing violation could be charged as a misdemeanor, and a fine of \$500, or a sentence of six months in the County jail, may be imposed. Enforcement of the proposed ordinance would be the responsibility of the PUC, not the San Francisco Police, according to the proposed ordinance.

**Comments:** 1. According to Mr. John Busher of the Department of Public Works, the pillars of the Path of Gold were installed by PG&E in the 1910's.

2. Mr. Busher advises that most signs posted on the Path of Gold pertain to political campaigns. According to Mr. Busher, when such signs are left on posts, the DPW removes them and bills the campaign for its proportionate share of the cost of removal of signs City-wide. The cost for this removal has varied from \$5 to \$21 per sign from year to year. The per-sign cost for removal is determined based on the number of signs and the difficulty of sign removal. Sign removal begins approximately ten days after an election. Mr. Busher advises that approximately 238 signs were removed City-wide after the November, 1992 election, at a total cost of \$4,837, or \$20.32 per sign. Costs for sign removal are not specifically included in the Department's FY 1992-93 budget, and must be supported by reimbursements or absorbed by the Department's operating budget.

3. Mr. Busher reports that the DPW does not remove tape or glue remaining when the candidates or their campaigns remove their own signs. Currently, no agency removes such tape and glue. No funds are included in the DPW's FY 1993-94 budget for sign-related clean-up costs, Mr. Busher reports.

4. Revenue from fines imposed as a result of the proposed ordinance would be contingent upon the number of violators, the number of repeat violators (repeat violators could pay a higher fine), and the amount of the fine imposed when a violator is found guilty (a fine of \$50 to \$250 could be imposed).

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 8 - File 121-93-7

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of August 10, 1993.

1. The proposed ordinance would amend Article 15.2, Section 1070.16 of the San Francisco Police Code by permitting persons between the ages of 18 and 21 to enter, be, or remain in premises that are operated as cabarets if the premises do not have liquor licenses.

2. Article 15.2, Section 1070 of the Police Code defines a cabaret as any establishment to which patrons or members are admitted or allowed to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., which serves food or beverages (may include alcoholic beverages) or provides entertainment. However, the State Business and Professions Code prohibits any establishment from selling alcoholic beverages during the 2:00 a.m. to 6:00 a.m. hours when establishments are defined by the Police Code as cabarets. During the hours in which an establishment is legally considered a cabaret, no alcoholic beverages can be sold, but many establishments with cabaret licenses sell alcoholic beverages prior to 2:00 a.m.

3. Currently Article 15.2, Section 1070.16 of the Police Code prohibits persons under age 21 from entering or remaining on the premises after 2:00 a.m., when an establishment becomes a cabaret, whether or not the cabaret has a liquor license. (On Friday and Saturday nights there is half-hour grace period, until 2:30 a.m., for the departure of persons between the ages of 18 to 21.) The proposed ordinance would permit persons between the ages of 18 to 21 to enter or remain in a cabaret at all hours of operation of the cabaret if the establishment does not have a liquor license. In other words, if alcoholic beverages are not sold at a cabaret prior to the 2:00 a.m. cutoff for sales of alcoholic beverages because the cabaret lacks a liquor license, persons between the ages of 18 to 21 may enter or remain in the establishment during the 2:00 a.m. to 6:00 a.m. hours.

4. Officer Barbara Campagnoli of the Police Department's Permits office reports that, as of May 18, 1993 a total of 81 establishments have cabaret permits. Because State law prohibits the sale of alcoholic beverages after 2:00 a.m., the cabaret permit application does not reflect whether or not an establishment has a liquor license. However, Sergeant Steven Tocchini of the Police Department estimates that two-thirds, or 54 of the 81 establishments with cabaret permits also have liquor licenses. This would leave an estimated 27 establishments that would currently be effected by the proposed ordinance in that persons between the ages of 18 to 21 could enter or remain in the cabaret at all hours during which the cabaret is open. (Cabarets are licensed to be open from 2:00 a.m. to 6:00 a.m.)

5. Police Department Deputy Chief of Patrol Thomas Petrini reports that the Police Department generally enforces the current age restrictions by responding to complaints from neighbors of a cabaret or from parents of youthful patrons. Chief Petrini states that demands on police time would not be significantly changed by the proposed ordinance, as the Police Department would still have to enforce the new



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18-year age limit for cabarets in premises that do not have liquor licenses, as well as the existing 21-year age limit for cabarets in premises that do have liquor licenses.

**Comment**

Mr. Burk Delventhal of the City Attorney's office advises that the City of San Francisco was sued a few months ago by a cabaret located in a premises that did not have a liquor license in an attempt to restrain the Police from enforcing the restriction on allowing minors to remain after 2:00 a.m. The cabaret was denied a preliminary injunction. Mr. Delventhal states that while the cabaret could still take the case to trial, he believes it is very unlikely that the court would issue an injunction in this case. Mr. Delventhal advises that the ordinance regulating minors in cabarets is an example of a Police decision that can be made by the Board of Supervisors.

**Recommendations**

Approval of the proposed ordinance, which would permit persons between the ages of 18 and 21 to enter, be or remain in premises that are operated as cabarets between 2:00 a.m. and 6:00 a.m. if the premises do not have a liquor license, is a policy matter for the Board of Supervisors.

Item 9 - File 101-93-4

**NOTE:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of August 10, 1993.

1. The proposed resolution would urge the Mayor to request the Police Commission to submit a supplemental appropriation ordinance from the Narcotics Forfeiture and Asset Seizure Fund requesting monies for youth crime prevention in the Mission District.

2. The proposed resolution states that statistics from the Police Department indicate that the Mission District is a high crime area and that gang, illegal drug sales and other illegal drug activity involving youth in the Mission District creates fear for residents and unsafe neighborhoods.

3. Pursuant to Section 10.117-54 of the Administrative Code, funds from the Narcotics Forfeiture and Asset Seizure Fund can be used to fund enforcement, training, prevention and prosecution programs related to the enforcement of narcotic laws. The current balance in the Narcotics Forfeiture and Asset Seizure Fund, is \$165,158.

4. As of the writing of this report, no programmatic or budget details were available regarding the proposal to request monies from the Narcotics Forfeiture and Asset Seizure Fund for youth crime prevention in the Mission District.

**Comments**

1. Officer Tom Strong, head of the Accounting Division of the Police Department reports that the Department has recently submitted a supplemental appropriation ordinance to the Mayor's Office requesting that \$130,000 of the \$165,158 fund balance be appropriated from the Narcotics Forfeiture and Asset Seizure Fund to pay for a contract for a radio system for the Police Department and its mobile units.

2. Sergeant John Bisordi of the Fiscal Division of the Police Department advises that a second-year grant, in the amount of \$164,175, from the State Office of Criminal Justice (OCJP) will be used, in part, to fund youth programs in the Mission District in 1993-94. The OCJP grant has a required local match of \$41,044. The \$41,044 plus the grant amount of \$164,175 brings the total amount available for the Mission District programs to \$205,219. Of the \$205,219, a total of \$62,581 would be used to pay for the following two youth programs aimed at crime prevention:

(1). Police Officers will coordinate with school administrators at Mission High School and Newcomer High School to provide on-site support services, which would include presentations to students on drugs, crime, violence prevention, career awareness, presentations to parents and staff on drugs and gangs, assisting with counseling services, helping to organize healthy and safe activities and coordinating with school security aids to prevent

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outsider drug use or transactions and other criminal behavior. The total amount budgeted for this program is \$42,362, of which \$35,678 represents personnel costs (900 hours) and \$6,684 is for radios to maintain contact with security aids.

(2). Uniformed Police Officers will assist with recreational activities at Mission Playground, which will include coaching teams. The total amount budgeted for this program is \$20,219, of which \$18,994 represents personnel costs and \$1,225 will be used to pay for sporting equipment.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Item 10 File 118-93-5

1. The proposed ordinance would (1) amend Article 6 of the Health Code by deleting Section 282, which prohibits the permanent storage of garbage receptacles on the sidewalk within the immediate frontage of a building (2) amend the Public Works Code Article 5.1 Section 170 (a) and (b) to prohibit the placement of garbage receptacles on any street, sidewalk or any other dedicated public right-of-way except on certain days and after 6:00 p.m. on the day before collection and provide that any person who violates this Section will be guilty of an infraction and increasing the penalties therefor, (3) amend Section 170.1 of the Public Health Code to change the title of this Section from "Permits" to "Anti-Litter Receptacles Permits" and (4) amend Section 171 of the Public Works Code to allow any garbage receptacle which is placed on the public right-of-way to have a decal prominently displayed, bearing the scheduled days and times for collection.

2. Section 282 of the Health Code currently prohibits the permanent storage of garbage receptacles on the sidewalk within the immediate frontage of a building. The proposed ordinance would delete Section 282 of the Health Code and amend Section 170 (a) and (b) of the Public Works Code to create a prohibition against the permanent placement of garbage receptacles within any portion of the public right-of-way (not just the immediate frontage of a building) and to provide that anyone who violates this Section would be guilty of an infraction punishable by a fine of not less than \$25 nor more than \$500. Additionally, the proposed ordinance would amend Section 171 of the Public Works Code to allow owners of receptacles to prominently place decals on the receptacles bearing the scheduled collection dates and times, providing that the decal is no larger than 8 and 1/2 inches by 11 inches.

### **Comments**

1. By deleting Section 282 of the Health Code and amending Section 170 of the Public Works Code as noted above, the proposed ordinance would transfer the responsibility for monitoring the placement of garbage receptacles from the Department of Public Health (DPH) to the Department of Public Works (DPW).

2. Mr. Vitaly Troyan, Deputy Director of Public Services of the DPW reports that, if the proposed ordinance is approved, the DPW's cost to monitor the placement of garbage receptacles would be absorbed in the Department's existing 1993-94 budget.

### **Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Item 11 - File 30-93-15

1. The proposed resolution would express the intent to the State Department of Health Services, that the City and County of San Francisco intends to develop a local initiative for a managed care system.

2. Currently, the Department of Public Health (DPH) provides health care on a fee-for-service basis, in order to obtain Medi-Cal revenues for the City whenever possible. For example, after a Medi-Cal eligible patient is provided services at the Emergency Room at San Francisco General Hospital (SFGH), SFGH bills Medi-Cal for eligible services provided and Medi-Cal reimburses the City. For non-emergency services, pre-authorization of eligibility is usually required in order for the City to receive Medi-Cal reimbursement. In April, 1993, the State Department of Health Services released their Final Strategic Plan, providing a plan for expanding Medi-Cal managed care. Under the State managed care delivery system, Medi-Cal would periodically provide the City with a "capitated payment" which is a negotiated payment rate for all Medi-Cal beneficiaries that the City enrolls. Medi-Cal patients would be assigned a primary care provider, who would provide basic care and would decide when a referral to a specialist or admission to a hospital is necessary.

3. The Board of Supervisors has previously approved a resolution (File 30-93-4) that urged the Mayor to urge the Department of Public Health (DPH) to pursue and evaluate implementation of a managed care system for San Francisco Medi-Cal clients. In June, 1993, the Board of Supervisors also approved a resolution (File 12-93-3.1) that transmitted a letter of interest to the State that declared the City's interest in maintaining its options under the State's managed care initiative. The State Plan requires that the Board of Supervisors submit to the Department of Health Services, by September 30, 1993, a formal letter of intent regarding managed care. The proposed resolution would express the intent to develop a managed care system, in accordance with the State requirements.

**Comments**

1. Under the State's Final Strategic Plan, the State mandated that there must be two managed care plans in each county: 1) a "mainstream", private, non governmentally-operated Health Maintenance Organization (HMO) plan, and 2) a local initiative, a new entity consisting of local providers, both public and private, and a governing body. The "mainstream" private HMO would be selected by the State. The letter of intent, which this proposed resolution would adopt, would specify that San Francisco intends to develop a local initiative that will specify to the State the service providers that San Francisco will use for the local initiative managed care project. The letter of intent would further specify that safety net providers and other affected parties, such as the San Francisco Medical Society, the San Francisco Clinic Consortium and the West Bay Hospital Conference would be included in the planning process. Without the development of a local initiative, the State would identify providers, or select another "mainstream" health provider as the second managed care plan.



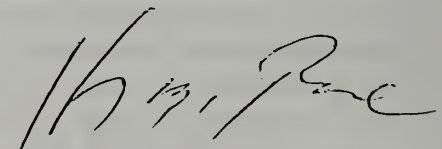
2. According to Ms. Carol Piccione of the Department of Public Health (DPH), by providing a letter of intent to the State to develop a local initiative, the local initiative governing body would be able to select the local providers of service under the managed care system. Ms. Piccione explains that there are many safety net providers of health services in the City, including SFGH, and without the City specifying to the State that the City and County of San Francisco intends to develop a local initiative to use these existing providers, existing Medi-Cal patients would have to receive services from providers selected by the State. According to Ms. Piccione, by selecting the local service providers, a quality level of service could be ensured, and there would be little disruption in services now provided to clients.

3. Ms. Piccione reports that the State has not yet selected the "mainstream" private provider. In addition, Ms. Piccione indicates that the service providers under the local initiative have not yet been selected. State guidelines specify that one of three options may be exercised to develop the local initiative: 1) a Health Care Consortium (shared governance organization that would administer Medi-Cal managed care); 2) a County-Organized Health System - COHS (local developed entity established by the Board of Supervisors) or 3) an Alternative Form (any alternative system developed by local groups). Ms. Piccione indicates that the local Managed Care Steering Committee that is presently being formed, will be deciding upon a governance structure over the next few months.

4. Ms. Piccione reports that at San Francisco General Hospital (SFGH), a portion of the Medi-Cal revenues that are received from the State are used to pay for indigent persons that have no insurance coverage. Therefore, if the City is able to specify that SFGH will be a service provider under managed care, the DPH will maintain the receipt of Medi-Cal revenues to offset indigent care costs. In addition, Ms. Piccione reports that the other safety net service providers rely on Medi-Cal revenues as their primary revenue stream, and without these Medi-Cal revenues it is unlikely that these providers would be able to provide the needed services.

### Recommendation

Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh

Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller

Teresa Serata  
Theresa Lee  
Ted Lakey

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

5.43  
2  
4/93  
**CALENDAR**

ACTIONS  
TAKEN

**MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, SEPTEMBER 14, 1993 - 10:00 A.M.

**LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL**

**PRESENT: SUPERVISORS SHELLEY AND LEAL**

**SUPERVISOR ALIOTO VOTED ON ITEMS 1,  
5 AND 9**

**ABSENT: SUPERVISOR HALLINAN**

**SUPERVISOR LEAL - ITEMS 1, 5 AND 9**

**CLERK: GAIL JOHNSON**

DOCUMENTS DEPT.

SEP 17 1993

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Note: It is the intention of the Chair to entertain a motion to continue consideration of the following item (File 206-93-5) to the September 28, 1993, meeting:

1. File 206-93-5. Hearing to consider public safety issues at Geneva Towers.  
(Supervisors Hallinan, Alioto, Shelley)

(Continued from 8/31/93)

**ACTION: Hearing held. Continued to September 28, 1993, meeting (at the request of sponsor).**

2. File 299-93-2. Hearing to consider the safety conditions at Juvenile Hall and to conduct a review of the Juvenile Justice System. (Supervisor Shelley)

**ACTION: Hearing held. Continued to the Call of the Chair.**

File 299-93-2.1. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[Task Force - Juvenile Justice] Urging the Mayor to convene a task force consisting of juvenile justice experts and community leaders to propose improvements to the Juvenile Hall and Youth Guidance Center and to make recommendations on how to improve the delivery of juvenile justice in San Francisco." Supervisors Alioto and Bierman added as co-sponsors. Recommended.

3. File 299-93-1. Hearing to consider the escape of eleven inmates from the Youth Guidance Center (on Friday, August 20, 1993). (Supervisors Alioto, Conroy)

**ACTION:** Hearing held. Continued to the Call of the Chair.

File 299-93-1.1. Resolution, as presented by Supervisor Shelley, prepared in and reported out of Committee. Entitled: "[Juvenile Justice] Urging the Mayor to seek the funds necessary to implement security measures needed to secure the Juvenile Hall". Supervisors Alioto and Bierman added as co-sponsors. Recommended.

File 299-93-1.2. Resolution, as presented by Supervisor Alioto, prepared in and reported out of Committee. Entitled: "[Funding for Juvenile Probation Department] Urging the Mayor to urge the Juvenile Probation Commission to submit a supplemental appropriation to the Board of Supervisors that would allow the Juvenile Probation Department to obtain institutional officers to monitor on a continuous basis the perimeter of the Youth Guidance Center, and to provide around-the-clock security and escort at entrances to the Youth Guidance Center's Juvenile Hall." Supervisors Conroy and Leal added as co-sponsors. Recommended.

4. File 30-93-14. Hearing to consider the waiting period for filling prescriptions at the Outpatient Pharmacy at San Francisco General Hospital. (Supervisors Hallinan, Bierman, Conroy)

**ACTION:** Hearing held. Continued to the Call of the Chair. (Supervisors Shelley and Alioto added as co-sponsors.)

5. File 118-93-6. [Wild Animals] Ordinance amending Health Code by amending Section 60 to allow wild and potentially dangerous animals at film and video production sites and to require the presence of a California Board-certified veterinarian when said animals are in San Francisco. (Supervisors Alioto, Leal)

**ACTION:** Continued to September 28, 1993, meeting (at the request of sponsor).

6. File 297-93-1. Hearing to consider the closure of the Transbay Terminal between the hours of 12:00 a.m. to 6:00 a.m. and the effects on the homeless population. (Supervisors Alioto, Shelley)

**ACTION:** Continued to September 28, 1993, meeting (at the request of sponsor).

7. File 121-93-11. [Signs Prohibited, Path of Gold Lampposts] Ordinance amending Police Code by adding Section 675.2 relating to regulating the posting of signs on lampposts along Market Street. (Supervisor Alioto)

**ACTION:** Hearing held. Recommended.



8. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets but that do not have liquor licenses. (Supervisors Hallinan, Alioto)

(Continued from 8/10/93)

ACTION: Hearing held. Amended on page 1, line 24, after "cabaret", by deleting "if the premises are not licensed by the California". Further amended on page 2, by deleting lines 1 and 2. Continued to September 28, 1993, meeting.

9. File 101-93-4. [Narcotics Forfeiture Fund - Mission] Resolution urging the Mayor to request the Police Commission to submit a supplemental appropriation ordinance making an appropriation from the Narcotics Forfeiture and Asset Seizure Fund for youth crime prevention in the Mission District. (Supervisors Kennedy, Leal, Shelley, Alioto)

(Continued from 8/10/93)

ACTION: Continued to September 28, 1993, meeting (at the request of sponsor).

10. File 118-93-5. [Garbage/Litter Receptacles] Ordinance amending Health Code by deleting Article 6, Section 282, and amending Public Works Code Article 5.1, Section 170(a) (b), thereof, to prohibit the placement of garbage receptacles on any street, sidewalk or any other dedicated public right-of-way except on certain days and after 6:00 p.m. on the day before collection; to provide that any person who violates said Section 170(a) shall be guilty of an infraction and increasing the penalties therefor, amending Section 170 to Section 170.1, and amend Section 171(a) (b) requiring any garbage receptacle placed on the public right-of-way to prominently place a decal on the receptacle bearing the scheduled days and time for collection. (Department of Public Works)

ACTION: Hearing held. Amendment of the Whole adopted. Recommended as amended. New title: "[Garbage/Litter Receptacles] Amending Health Code by deleting Section 282 of Article 6; amending Public Works Code by adding a new Section 170, which will replace Section 282 of the Health Code and will prohibit the placement of garbage receptacles on any street, sidewalk or any other dedicated public right-of-way except on certain days and after 6:00 p.m. on the day before collection, and providing that violations of Section 170 shall be considered infractions; amending and renumbering the previous Section 170 of the Public Works Code to be a new Section 170.1; and amending Section 171 of the Public Works Code to require that any garbage receptacle placed on the public right-of-way have prominently placed upon it a decal bearing the scheduled days and times for collection."

11. File 30-93-15. [Managed Care] Resolution expressing the intent to the State Department of Health Services for the City and County of San Francisco to develop a local initiative for a managed care system. (Supervisor Shelley)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Shelley, adopted. Recommended as amended.



CITY AND COUNTY



Public Library, Documents Dept.  
ATTN: Jane Hudson  
OF SAN FRANCISCO

// **BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

September 24, 1993

TO: // Health, Public Safety and Environment Committee

FROM: /// Budget Analyst

SUBJECT: September 28, 1993 Health, Public Safety and Environment  
Committee Meeting

Item 1 - 118-93-8

Note: This item was continued at the Health, Public Safety and Environment Committee Meeting on September 8, 1993.

1. The proposed ordinance would amend Part II, Chapter V of the San Francisco Municipal Code (Health Code) by adding Article 19E, consisting of Sections 1009.5 through 1009.8, to prohibit smoking in places of employment and certain publicly owned sports arenas.

2. Section 1008.2 of the Health Code currently prohibits smoking in enclosed property owned or leased by the City and County of San Francisco. Article 19.A, Section 1006 of the Health Code requires non-smoking tables in restaurants.

3. The net effect of the proposed ordinance would be that smoking would be banned entirely, not just in City owned or leased buildings, but in all workplaces within the geographic boundaries of San Francisco, including restaurants and bars. The proposed ordinance would only exempt hotel and motel guest rooms and facilities being used for charity bingo games. In addition, the proposed ordinance would prohibit smoking at publicly owned open space sports arenas with a seating capacity of at least 30,000 people, not including the parking lots. Currently, Candlestick Park is the only open space sports arena that would be affected by the proposed ordinance.



**Comments**

1. Mr. Jack Breslin of the Department of Public Health (DPH), Environmental Health Services reports that DPH has responsibility for enforcing the existing smoking regulations in buildings owned or leased by the City as well as educational facilities in the City. Mr. Breslin advises that the DPH currently has one half-time Senior Environmental Health Inspector assigned to handling smoking-related complaints in the workplace (public and private). This position is funded by Tobacco Tax funds. Mr. Breslin believes that the proposed amendments to the Health Code would serve to simplify the smoking regulations in the long-term. For example, currently the City requires restaurants to provide an unspecified number of tables for non-smoking patrons. A non-smoking table can be next to a smoking table. Thus, if someone complains to DPH about a smoker in a restaurant, it is difficult to determine whether the restaurant violated the City's Health Code.

2. However, DPH estimates that, based on the current complaint rates for the existing non-smoking ordinances, the proposed ordinance would generate approximately 50 complaints per month and approximately 100 telephone requests for information and guidance each month. The DPH reports that each complaint may require up to four hours to resolve and each telephone call would take approximately 20 minutes. Thus, approximately 233 hours each month would be required to implement the proposed ordinance. The DPH further reports that after one year the complaints and telephone calls should decrease by 33 percent to 155 hours per month. The Department therefore advises that it would require 1.5 FTE Environmental Health Inspector at a total annual cost of \$118,038 to implement the proposed ordinance for the first year and one FTE Environmental Health Inspector at an annual cost of \$78,691 for each year thereafter. Approximately .23 FTE administrative and support staff would also be required at approximately \$15,660 annually. Additional costs, such as materials and supplies, mileage and training at an estimated \$9,000 annually, would also be associated with the proposed ordinance. In sum, the Department estimates that after the first year, the proposed ordinance would cost \$103,351 annually to implement.

3. The Director of Public Health would enforce the provisions of the proposed ordinance by serving notice to violators requiring correction within a reasonable time that would be specified by the Director. If the violator does not comply, the Director could request the City Attorney to take injunctive action and assess a civil penalty not to exceed \$500. In addition, the person making the complaint or the owner of the premises could seek damages of up to \$500 a day from the smoker for each day the violation occurs.

4. In addition, violation of the proposed ordinance would be a misdemeanor. If an action were brought by the District Attorney and if convicted of the misdemeanor, the penalty could be up to \$250 for the first violation, up to \$350 for a second violation within one year and up to \$600 for each additional violation within a year.

Memo to Health, Public Safety and Environment Committee  
September 28, 1993 Health, Public Safety and Environment Committee Meeting

5. Mr. Breslin reports that the City has not had to levy fines under the existing non-smoking ordinance that covers City-owned or leased buildings. Mr. Breslin advises that it is unlikely the City would receive additional revenue from the penalties included in the proposed ordinance.

6. According to the Department of Public Health, 50 California cities have ordinances eliminating smoking in workplaces and restaurants, 20 cities have ordinances eliminating smoking in restaurants only and 11 cities have ordinances eliminating smoking in the workplace only for a total of 81 California cities that have non-smoking ordinances.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.





Item 2 - File 121-93-15

**Department:** Parking and Traffic (DPT)

**Item:** Ordinance amending Section 710.2 of the San Francisco Police Code to authorize the removal of vehicles from Sunset Boulevard in violation of the prohibition against parking of vehicles for purposes of displaying such vehicles for sale.

**Description:** The proposed ordinance concerns individuals who park their vehicles on Sunset Boulevard for purposes of a "used car lot". To alleviate this problem, the State Vehicle Code was recently amended to allow for the towing of these vehicles. The proposed ordinance would enable San Francisco to tow vehicles parked on Sunset Boulevard with purposes of displaying such vehicles for sale, in accordance with the recently amended State legislation (California Vehicle Code Section 22651.9).

**Comments:** 1. According to Mr. Tim Johnson of the DPT, on any given Saturday, there are an estimated 85 vehicles parked along Sunset Boulevard for purposes of displaying such vehicles for sale. In many instances, there are multiple vehicles for sale by a single person, who is acting as a "car broker", according to Mr. Johnson.

2. Mr. Johnson states that previously, the issuing of citations (\$25) to these vehicles without the threat that the vehicle would be towed for an additional violation, was not an effective deterrent. This was not effective because the DPT no longer possessed any enforcement tools (i.e., restricting the owner's registration for failure to pay outstanding citations), once the vehicle was sold and the registration was transferred to the new owner.

3. Mr. Johnson further reports that the DPT will enforce this proposed ordinance on the basis of citizen complaints. According to Mr. Johnson, the DPT will issue parking citations (\$25) for the first offense and violators will also receive a warning that any additional violations will result in impoundment of the vehicle. Mr. Johnson expects the proposed ordinance to be self-enforcing, once vehicles are towed for any additional violations. Therefore, Mr. Johnson expects the proposed ordinance will result in minimal costs or revenues to the City.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Item 3 - File 206-93-5

**NOTE:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of September 14, 1993.

1. This item is a hearing to consider the public safety issues at Geneva Towers.

2. The Geneva Towers apartment buildings located at 1001 Sunnydale Avenue and 222 Schwerin Street are owned by the U. S. Department of Housing and Urban Development (HUD). Mr. John Phillips Special Assistant to the Regional Administrator of HUD advises that HUD assumed ownership of this facility in June of 1991, in response to poor management (including inattention to public safety hazards at the facility) by the previous owner, Geneva Towers Association. In 1974 Geneva Towers Association, a private limited partnership, acquired a loan from HUD for the purchase of the Geneva Towers apartments.

3. Geneva Towers is a high-rise apartment building complex with a total of 576 units (primarily one and two bedrooms). According to Mr. Phillips, 330 or 57 percent of these units are currently occupied. Mr. Phillips reports that the tenant population is 83 percent African American, 10 percent White (this category includes Hispanics), 6 percent Asian and 1 percent American Indian. Mr. Phillips advises that all tenants currently housed at this facility pay 30 percent of their income as rent. The remainder of the operating cost for this facility is absorbed by HUD. Mr. Phillips reports that the average total monthly rent amount paid by all tenants is \$70,000, which represents 11 percent of the total monthly cost of \$615,000 to operate the facility. HUD currently contracts with Republic Management, a private firm, for the management of this apartment building. Republic Management was awarded this contract in June of 1993, when the prior contract with John Stewart Company expired.

4. This hearing is being held to address the on-going concerns of tenants at the Geneva Towers apartments regarding public safety and housing issues.

5. A fire and life safety inspection was conducted at the Geneva Towers apartments by the San Francisco Fire Department on May 7, 1991. This inspection resulted in the Fire Department issuing numerous findings and citations to the prior owner, Geneva Towers Association, regarding safety hazards at the apartment building. In response to the Fire Department inspection as well as other issues related to public safety and substandard housing conditions at the apartment building, HUD undertook corrective measures in several areas including safety hazards, security, maintenance, building improvements, administration, social service programs and long term planning. Chief Richard Condon, Fire Marshal of the Fire Department, advises that the Geneva Towers apartment building complex is currently in compliance with the City's Fire Safety Codes with the exception of certain outstanding deficiencies which are in the process of being corrected. Chief Condon states that many of the deficiencies include such items as holes in walls and damaged exit doors due to vandalism. Attached is a summary report, as prepared by Chief Condon, which outlines the Fire Department's history of inspections at



Geneva Towers apartments since 1991, including the most recent inspection on January 26, 1993.

**Comments**

1. Chief James Olson of the Fire Department advises that the Department is in the process of preparing a report on the recent fire which took place at Geneva Towers apartments. According to the Fire Department, this report is scheduled to be submitted to the Fire Commission, by the Chief of the Fire Department, on September 28, 1993. Chief Olson advises that the Fire Commission has the discretion to make the determination as to when the report would be released to the public.

2. Mr. Phillips reports that HUD is currently exploring various options for a major renovation of the Geneva Towers apartments. HUD expects to arrive at a conclusion regarding this matter within the next two years. Mr. Phillips advises that in preparation for this planned renovation, apartments are now being held vacant as tenants move out.

San Francisco Fire Department



Division of  
Fire Prevention  
& Investigation

September 1, 1993

Ms. Sandy Brown-Richardson  
Budget Analyst's Office  
1390 Market Street, Suite 1025  
San Francisco, CA 94102

Dear Ms. Brown-Richardson:

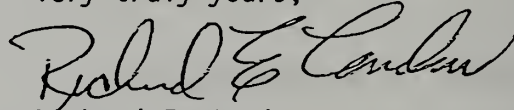
I have enclosed for the Health & Safety Committee's review a summary of the San Francisco Fire Department's inspection history regarding the Geneva Towers located at 1001 Sunnydale and 222 Schwerin Streets as well as the results of the most recent, January 26, 1993 high rise inspection.

It is important to note that many of the code violations are recurring and involve doors or penetrations through walls which have been damaged through vandalism or have been removed from the building. The San Francisco Fire Department is recommending the installation of magnetic hold-open devices, which release upon alarm, on doors which are required to be closed to prevent the spread of fire or contamination by smoke.

Additionally, on September 30, 1992, the San Francisco Fire Department was informed by the management at Geneva Towers that their apartments are now owned by the Housing & Urban Development, an agency of the Federal government, and as a result, the San Francisco Fire Department has no jurisdictional authority to enforce State and/or City regulations on the buildings. However, on the advice of the City Attorney's Office, the Department has diligently continued its regular inspection of the tower apartment structures to identify and seek the correction of code violations through notice to the appropriate parties.

In closing, it is important to note that Geneva Towers' management have been generally cooperative in their efforts to correct Code violations. However, expedient compliance to correct Code violations is at times difficult to achieve from management without persistent efforts by the Department's inspection personnel. The towers management have expressed a desire to comply with all applicable City and State Code requirements. In fairness to management, recurring maintenance issues, such as the problem previously noted concerning damaged/vandalized doors, which account for the majority of Code violations at the towers, is a continuing and difficult problem for management. As of August 23, 1993, there were no open complaints concerning the Geneva Tower apartments.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard E. Condon". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard E. Condon  
Fire Marshal  
Division of Fire Prevention  
And Investigation

cc: Jean Paul Samaha  
Administrative Assistant  
Office of Supervisor Terrence Hallinan  
City Hall, Room 235  
San Francisco, CA 94102

REC/SP/1km:3002Q



1001 SUNNYDALE/222 SCHWERIN

SUMMARY

- 1) 60 Inspections have been conducted since 1988 at Geneva Towers (222 Schwerin & 1001 Sunnydale).
- 2) 41 Notices of Violation have been issued since 1988 and the present. All have been abated within a reasonable time.
  - a) 20 for 222 Schwerin
  - b) 16 for 1001 Sunnydale
  - c) 5 for the child care center
- 3) The Annual High Rise inspections identified the following violations:
  - a) 1991: 230 violations
  - b) 1992: 145 violations
  - c) 1993: 56 violations

There is an effort being made by the building management to correct all of the identified deficiencies, and it is obvious that progress is being made.

- 4) The building management's efforts to abate building violations are hampered by their procurement process and recurring problems relating to the vandalism of required doors and penetrations through walls which accounts for a large number of violations in the towers.
- 5) In September of 1992 the San Francisco Fire Department discovered a Child Care Center which had been constructed of combustible materials on the second floor of 222 Schwerin. The Center had been constructed without a local permit or plan review and approval. Fire Clearance from the Fire Department, which is required by the State to operate, was denied.
- 6) In September of 1992, the Geneva Towers management informed the Department that the Department of Housing and Urban Development had assumed ownership of the towers in June 1991 and as a result the San Francisco Fire Department's jurisdictional authority had ceased.
- 7) On the advice of the City Attorney, the San Francisco Fire Department has continued inspecting the towers regularly, identifying violations and noticing the Geneva Towers management regarding the needed corrections even though the San Francisco Fire Department no longer has enforcement authority.

The Child Care Center at 222 Schwerin has not received fire clearance from the San Francisco Fire Department and is operating without a license.

## 1001 SUNNYDALE/222 SCHWERIN

Annual Highrise Inspection 1/26/93

## LIST OF DEFICIENCIES

	<u>222 Schwerin</u>	<u>1001 Sunnydale</u>
Hasp locks on laundry room exit doors (abated improperly with slide bolts: needs to be abated properly)	1	2
Wedged doors on all stairs vestibules (abated but constantly recurring)	1	1
Provide rated doors all stairs, vestibules, laundry rooms, garbage rooms (abated but constantly recurring)	3	3
Junction box covers needed (abated but constantly recurring)	1	2
AS heads with heavy dust all laundry rooms (abated but constantly recurring)	1	1
Penetrations garbage rooms, laundry rooms, sinks (abated but constantly recurring)	4	3
FDC caps missing (abated but constantly recurring)	1	1
Repair fire-rated doors-panic hardware (abated but constantly recurring)	1	
Repair fire-rated doors-self-closures/latches (abated but constantly recurring)		4
Repair/replace fire-rated doors-stairway, laundry, garbage (abated but constantly recurring)		3
Service fire extinguisher (abated but constantly recurring)	1	
Lint collectors cleaned all laundry rooms (abated but constantly recurring)	1	1
5-year test sprinklers & standpipes (abated, certified in 1991)	1	1
Routine testing & record keeping reminder (Emergency plan to be submitted for approval)	2	2
Add sign for fire extinguisher cabinet (abated but constantly recurring)		1

222 Schwerin 1001 Sunnydale

Non-approved storage area (boiler room, mechanical, etc.) (abated but constantly recurring)	2
Secure sprinkler valves open (abated but constantly recurring)	1
Rusted FD inlet manifold (abated improperly: needs to be abated properly)	1
Extend alarm audibility, maintenance office (new construction) (abated but constantly recurring)	1
Sprinkler protection required in storage rooms (storage removed; maintenance & janitorial supply) (abated but constantly recurring)	2
Add exit signs - FSD Office (new construction) (abated but constantly recurring)	1
Add AS shut-off valve sign (abated but constantly recurring)	1
Add sign on time-delayed opening doors (new construction) (abated but constantly recurring)	1

3004Q





Item 4 - File 121-93-7

**Note:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of September 14, 1993.

1. The proposed ordinance would amend Article 15.2, Section 1070.16 of the San Francisco Police Code by permitting persons between the ages of 18 and 21 to enter, be, or remain in premises that are operated as cabarets.

2. Article 15.2, Section 1070 of the Police Code defines a cabaret as any establishment to which patrons or members are admitted or allowed to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., which serves food or beverages (may include alcoholic beverages) or provides entertainment. However, the State Business and Professions Code prohibits any establishment from selling alcoholic beverages during the 2:00 a.m. to 6:00 a.m. hours when establishments are defined by the Police Code as cabarets. During the hours in which an establishment is legally considered a cabaret, no alcoholic beverages can be sold, but many establishments with cabaret licenses sell alcoholic beverages prior to 2:00 a.m.

3. Currently Article 15.2, Section 1070.16 of the Police Code prohibits persons under age 21 from entering or remaining on the premises after 2:00 a.m., when an establishment becomes a cabaret. (On Friday and Saturday nights there is a half-hour grace period, until 2:30 a.m., for the departure of persons between the ages of 18 to 21.) The proposed ordinance would permit persons between the ages of 18 to 21 to enter or remain in a cabaret at all hours of operation of the cabaret. As previously noted, no alcoholic beverages can be sold between 2:00 a.m. and 6:00 a.m.

4. Officer Barbara Campagnoli of the Police Department's Permits office reports that, as of September 22, 1993, a total of 81 establishments have cabaret permits.

5. Police Department Commander Dennis Martel reports that the Police Department generally enforces the current age restrictions by responding to complaints from neighbors of a cabaret, or from parents of youthful patrons. Commander Martel states that the proposed ordinance would create more work for the Police Department because the Police would be called regarding disturbances involving 18 to 21 year olds, both inside the premises of cabarets and on the street outside the cabarets. Commander Martel advises that, to his knowledge, the proposed ordinance would make San Francisco the only city in the Bay Area that permitted 18 to 21 year olds to enter cabarets after 2:00 a.m. He states that he expects that 18 to 21 year olds would come to San Francisco from a wide area to patronize cabarets. Commander Martel states that the Police Department runs many skeleton crews after 2 a.m., which would have a difficult time responding to any major increase in calls for service in that time period.

**Comment**

Mr. Burk Delventhal of the City Attorney's Office advises that the City of San Francisco was sued a few months ago by a cabaret located in a premises that did not have a liquor license in an attempt to restrain the Police from enforcing the restriction on allowing minors to remain after 2:00 a.m. The cabaret was denied a preliminary injunction. Mr. Delventhal states that while the cabaret could still take the case to trial, he believes it is very unlikely that the court would issue an injunction in this case. As reflected by the proposed legislation, Mr. Delventhal advises that regulating minors in cabarets is a decision that can be made by the Board of Supervisors.

**Recommendation**

Approval of the proposed ordinance, which would permit persons between the ages of 18 and 21 to enter, be or remain in premises that are operated as cabarets (when alcoholic beverages cannot be sold in such establishments) between 2:00 a.m. and 6:00 a.m., is a policy matter for the Board of Supervisors.



Item 5 - File 297-93-1

**Note:** This item was continued from the September 14, 1993 Health, Public Safety and Environment Committee meeting.

1. This item is a hearing to consider the closure of the Transbay Terminal between the hours of 12:00 a.m. to 6:00 a.m., and the effects on the homeless population.

2. The Transbay Terminal, located on 1st Street between Mission Street and Howard Street, is operated by the California Department of Transportation (Caltrans). Caltrans estimates that the Transbay Terminal services 26,000 passengers each weekday who utilize AC Transit, Muni, Golden Gate Transit, SamTrans, Greyhound and Grayline tours.

3. Caltrans announced that certain portions of the San Francisco Transbay Terminal not needed for transit riders will be closed each night. Caltrans reports that the lower level of the facility has been locked at 7 p.m. each night, and the remainder of the facility has been closed daily at 1 a.m. beginning Sunday, August 15, 1993. Caltrans indicates that the facility reopens at 5 a.m. The Greyhound Office will remain open 24 hours a day.

4. Prior to the decision to close portions of the Transbay Terminal, up to 300 homeless persons per night were using the terminal. Caltrans contends that the California State Police has reported over 200 crimes or incidents during June, 1993 at the terminal, including homicide. Caltrans further contends that these crimes have forced Amtrak to move its ticket office to the Ferry Building in June, 1993, and the homeless presence drives travelers away from the Transbay Terminal's transit systems.

5. Caltrans reports that the City's Mayor's Office was notified of the nighttime closure plan for the terminal as early as December, 1992.

**Comments**

1. According to Ms. Eleanor Jacobs, Homeless Coordinator of the Mayor's Office, during the evening of August 14, 1993, approximately 145 persons were in the Transbay Terminal and not 300 persons that were originally estimated. Ms. Jacobs reports that the Mayor's Office, the Department of Social Services (DSS), and the Traveler's Aid Program (a Federally-grant funded program providing services to the homeless at the Transbay Terminal) made efforts to find emergency housing for the homeless persons in the Transbay Terminal.

2. According to Ms. Carolyn Plybon of the Department of Social Services (DSS), the following emergency shelter arrangements were made for the estimated 145 persons located at the Transbay Terminal: 10 beds were held at the Episcopal Sanctuary, 25-35 beds were held for women only at the St. Paulus Shelter, and 20 beds were held at both the North of Market and South of Market Multi-Service Centers (or 40 beds at the multi-service centers). In addition, Ms. Jacobs reports

that 50 beds were also provided at various single room occupancy (SROs) hotels. Therefore, a total of between 125 to 135 beds were held, 25 to 35 of which had to be occupied by women only. As noted, an estimated 145 persons were using the Transbay Terminal the weekend of the closure.

3. Ms. Jacobs indicates that not all of the 125-135 beds held by the City were used by homeless persons from the Transbay Terminal, some of these persons either found alternative shelter or for other reasons did not show up to use the beds. Ms. Plybon reports that if the beds were not used by the Transbay Terminal population, the beds were used by other homeless persons. Ms. Plybon indicates that the multi-service center beds were held for the Transbay Terminal population through September 1, 1993, the Episcopal Sanctuary beds and the SRO beds were held for 30 days through September 15, 1993, and the St. Paulus Shelter beds are available for an indefinite length of time. Ms. Plybon reports that all of the homeless persons in the shelters, including those from the Transbay Terminal, were provided various case management services, such as applying for General Assistance, or directing them to other housing programs.

4. Ms. Jacobs reports that the SRO beds that were provided for 30 days will cost the City approximately \$16,800, and although emergency State grants funds are being requested by the Mayor's Office, if these State grants funds are not approved, then these costs will have to be funded through the General Fund. Ms. Plybon advises that, with the exception of the SRO beds, the remaining beds held by the City for the Transbay Terminal population represented existing shelter beds and, as such, the City incurred no additional cost for these beds.

5. In addition to these temporary shelter provisions for the Transbay Terminal homeless population, Ms. Jacobs reports that the Mayor's Office is identifying additional SROs that can be used for housing. However, Ms. Jacobs indicates that because of a lack of available City funds, persons would have to volunteer \$280 of their monthly GA checks to pay for the SROs. According to the Department of Social Services, the monthly GA payment is \$345. Therefore, over 80 percent of the person's income would have to be spent on housing.



Item 6 File 101-93-4

**NOTE:** This item was continued by the Health, Public Safety and Environment Committee at its meeting of September 14, 1993.

1. The proposed resolution would urge the Mayor to urge the Police Commission to submit a supplemental appropriation ordinance authorizing an appropriation in the amount of \$500,000 for a Disadvantaged and High Risk Youth Employment Program in the Mission District.

2. The proposed resolution states that statistics from the Police Department indicate that the Mission District is a high crime area and that gang, illegal drug sales and other illegal drug activity involving youth in the Mission District creates fear for residents and unsafe neighborhoods.

3. As of the writing of this report, no programmatic or budget details were available regarding the proposal to appropriate monies for a Disadvantaged and High Risk Youth Employment Program in the Mission District.

**Comments**

1. The proposed resolution reflects a substitute resolution which was introduced at the September 13, 1993 meeting of the Board of Supervisors. The original proposed resolution had urged the Mayor to urge the Police Commission to submit a supplemental appropriation ordinance from the Narcotics Forfeiture and Asset Seizure Fund requesting monies for youth crime prevention in the Mission District. The substitute resolution was introduced because the City Attorney's Office made the determination that youth crime prevention programs do not meet the criteria for funding under the Narcotics Forfeiture and Asset Seizure Fund.

2. Lieutenant Larry Ryan of the Fiscal Division of the Police Department advises that the Police Department currently is anticipating a budget deficit of approximately \$3.5 million for fiscal year 1993-94. As such, according to Lieutenant Ryan, the Police Department does not have any surplus funds, at this time, which could be used to support the proposed youth employment program in the Mission District. The Budget Analyst previously projected a budgetary shortfall of \$3.5 million in the Police Department's Fiscal Year 1993-94 budget as recommended by the Mayor.

3. Sergeant John Bisordi of the Fiscal Division of the Police Department advises that a second-year grant, in the amount of \$164,175, from the State Office of Criminal Justice (OCJP) will be used, in part, to fund youth programs in the Mission District in 1993-94. The OCJP grant has a required local match of \$41,044. The \$41,044 plus the grant amount of \$164,175 brings the total amount available for the Mission District programs to \$205,219. Of the \$205,219, a total of \$62,581 would be used to pay for the following two youth programs aimed at crime prevention:



**Memo to Health, Public Safety and Environment Committee**  
**September 28, 1993 Health, Public Safety and Environment Committee Meeting**

(1). Police Officers will coordinate with school administrators at Mission High School and Newcomer High School to provide on-site support services, which would include presentations to students on drugs, crime, violence prevention, career awareness, presentations to parents and staff on drugs and gangs, assisting with counseling services, helping to organize healthy and safe activities and coordinating with school security aids to prevent outsider drug use or transactions and other criminal behavior. The total amount budgeted for this program is \$42,362, of which \$35,678 represents personnel costs (900 hours) and \$6,684 is for radios to maintain contact with security aids.

(2). Uniformed Police Officers will assist with recreational activities at Mission Playground, which will include coaching teams. The total amount budgeted for this program is \$20,219, of which \$18,994 represents personnel costs and \$1,225 will be used to pay for sporting equipment.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 7     File 118-93-6

**Note:**     This item was continued from the September 14, 1993 Health, Public Safety and Environment Committee meeting.

1. The proposed ordinance would amend Section 60 of the Health Code to make it legal to allow certain animals at film and video production sites and to require the presence of a California Board-Certified veterinarian when such animals are in San Francisco.

2. Section 60 of the Health Code currently allows zoos, circuses, museums, educational institutions, veterinary hospitals and the public pound to sell, have, keep, maintain, possess, or control wild and potentially dangerous animals within the City and County of San Francisco, provided that local, State and Federal regulations are met and such animals are confined in a manner which protects the public from harm. The proposed ordinance would amend Section 60 to also allow film and video productions to have wild and potentially dangerous animals on site. Additionally, Section 60 of the Health Code would be amended to provide that in addition to meeting local, State and Federal regulations and confining such animals in a manner which protects the public from harm, a California Board-certified veterinarian must be present at film and video production sites as well as at the other above noted sites to insure the well being of such animals.

**Comments**

1. Ms. Lorrae Rominger, Executive Director of the Film and Video Arts Commission reports that in practice, animals, primarily barnyard or trained performing animals, have been used in film productions in the City for many years. According to Ms. Rominger, it was recently brought to the Commission's attention that having such animals present on film production sites was not legally permitted. Ms. Rominger advises that it has been the Commission's on-going policy to only allow such animals on a film site if the animal's trainer, a certified veterinarian and a representative of the Police Department are also on site to monitor the activities of these animals.

2. Mr. Jack Breslin, Assistant Director of the Department of Public Health (DPH), Environmental Health Program reports that DPH staff does not have a set schedule for on-site monitoring of wild and potentially dangerous animals, but instead responds to individual inquiries or complaints regarding such animals. As such, according to Mr. Breslin, Departmental costs associated with monitoring these types of animals is minimal and would remain so, if this ordinance is approved.

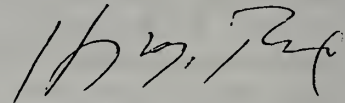
3. The proposed legislation reflects a substitute ordinance which was introduced at the September 20, 1993 meeting of the Board of Supervisors. The substitute ordinance changed the title of the proposed ordinance to read "Amending the San Francisco Municipal Code, Health Code, by amending Section 60 to allow certain animals instead of wild and potentially dangerous

Memo to Health and Public Safety Committee  
September 28, 1993 Health and Public Safety Committee Meeting

animals at film and video production sites and to require the presence of a California Board-certified Veterinarian when said animals are in San Francisco". This change in the wording of the title of the proposed ordinance represented the only change to the proposed ordinance.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Theresa Lee  
Ted Lakey



**CALENDAR** — *Actions Taken.*

SEP 30 1993

**MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**SAN FRANCISCO  
PUBLIC LIBRARY**TUESDAY, SEPTEMBER 28, 1993 - 10:00 A.M.****LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL****PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL****ABSENT: SUPERVISOR HALLINAN - ITEMS 5 AND 7****CLERK: GAIL JOHNSON**

1. File 118-93-8. [Smoking Prohibition] Ordinance amending Health Code by adding Sections 1009.5 through 1009.8 to prohibit smoking in places of employment and certain publicly owned sports areas. (Supervisors Alioto, Bierman, Leal)

(Continued from 9/8/93)

(FISCAL IMPACT)

**ACTION:** Continued to October 26, 1993, meeting.

2. File 121-93-15. [On-Street Vehicle Sale] Ordinance amending Police Code by amending Section 710.2 to authorize removal of vehicles from Sunset Boulevard in violation of the prohibition against parking of vehicles for purpose of displaying such vehicles for sale. (Supervisors Shelley, Alioto, Hsieh, Conroy)

**ACTION:** Hearing held. Recommended.

3. File 206-93-5. Hearing to consider public safety issues at Geneva Towers. (Supervisors Hallinan, Alioto, Shelley)

(Continued from 9/14/93)

**ACTION:** Hearing held. Continued to the Call of the Chair.

4. File 121-93-7. [Cabarets] Ordinance amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are operated as cabarets. (Supervisors Hallinan, Alioto)

(Continued from 9/14/93)

**ACTION:** Amended on page 1, line 4, after "are", by adding "permitted and". Further amended on page 1, line 23, after "premises", by adding "permitted and". Recommended as amended. New title: "Amending Police Code by amending Section 1070.16 to permit persons over 18 to enter, be, or remain in premises that are permitted and operated as cabarets." (Supervisor Leal Dissenting)

5. File 297-93-1. Hearing to consider the closure of the Transbay Terminal between the hours of 12:00 a.m. to 6:00 a.m. and the effects on the homeless population. (Supervisors Alioto, Shelley)

(Continued from 9/14/93)

ACTION: Hearing held. Continued to the Call of the Chair.

6. File 101-93-4. [Disadvantaged and High Risk Youth Employment] Resolution urging the Mayor to urge the Police Commission to submit a supplemental appropriation request authorizing an appropriation in the amount of \$500,000 for a Disadvantaged and High Risk Youth Employment Program in the Mission District. (Supervisors Kennedy, Leal, Shelley, Alioto, Bierman, Hsieh)

(Continued from 9/14/93)

ACTION: Continued to the Call of the Chair (at the request of sponsor).

7. File 118-93-6. [Restriction of Certain Animals Exception] Ordinance amending Health Code by amending Section 60 to allow certain animals at film and video production sites and to require the presence of a California Board-certified veterinarian when said animals are in San Francisco. (Supervisors Alioto, Leal)

(Continued from 9/14/93)

ACTION: Hearing held. Recommended.

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CITY AND COUNTY



Public Library, Documents Dept.  
OF SAN FRANCISCO *ATTN: Jane Judson*

DOCUMENTS DEPT.

OCT 12 1993

SAN FRANCISCO  
PUBLIC LIBRARY

## BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

October 8, 1993

**TO:** Health, Public Safety and Environment Committee

**FROM:** Budget Analyst

**SUBJECT:** October 12, 1993 Health, Public Safety and Environment Committee Meeting

Item 1 - File 121-93-15.1

**Department:** Department of Parking and Traffic (DPT)

**Item:** Ordinance amending Section 710.2 of the San Francisco Police Code to authorize the removal of vehicles from any City Street in violation of the prohibition against parking of vehicles for purposes of displaying such vehicles for sale.

**Description:** The proposed ordinance concerns individuals who park their vehicles on City streets for purposes of selling the vehicles. To alleviate this problem, the State Vehicle Code was recently amended to allow for the towing and impounding of these vehicles. The proposed ordinance would allow for towing and impounding vehicles parked on City streets for the purpose of displaying such vehicles for sale, in accordance with the recent amendment of California Vehicle Code Section 22651.9.

**Comments:** 1. A similar ordinance (File 121-93-15) to authorize towing and impounding For Sale vehicles parked on Sunset Boulevard will be considered for Final Reading by the Board of Supervisors on October 12, 1993. According to the City Attorney's Office, the proposed amendment to Section 710.2



concerning all City streets would supersede this current amendment concerning the Sunset Boulevard ordinance.

2. According to Mr. Tim Johnson of the DPT, on any given Saturday, there are an estimated 85 vehicles parked along Sunset Boulevard for purposes of displaying such vehicles for sale. In many instances, there are multiple vehicles for sale by a single person, who is acting as a "car broker", according to Mr. Johnson.

3. Mr. Johnson states that previously, the issuing of citations (\$25) to these vehicles without the threat that the vehicle would be towed for an additional violation, was not an effective deterrent. This was not effective because the DPT no longer possessed any enforcement tools (i.e., restricting the owner's registration for failure to pay outstanding citations), once the vehicle was sold and the registration was transferred to the new owner. Expanding the authority to tow and impound For Sale vehicles to all City streets will be a deterrent to simply moving the For Sale vehicles off Sunset Boulevard onto other City streets.

4. Mr. Johnson further reports that the DPT will enforce this proposed ordinance on the basis of citizen complaints. According to Mr. Johnson, the DPT will issue parking citations (\$25) for the first offense and violators will also receive a warning that any additional violations will result in impoundment of the vehicle. Mr. Johnson expects the proposed ordinance to be self-enforcing, once vehicles are towed for any additional violations. Therefore, Mr. Johnson expects the proposed ordinance will result in minimal costs or revenues to the City.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 2 - File 217-92-12

**Note:** This item was transferred from the Economic Vitality and Social Policy Committee to the Health, Public Safety and Environment Committee.

1. This item is a hearing to consider San Francisco's urban environment, including (a) the progress in implementing the litter abatement program, adopted by the Board of Supervisors, (b) proposals to reduce graffiti, and (c) the status of urban forestry in San Francisco.

2. The litter abatement program includes ten resolutions approved in June, 1992 urging the Mayor, the Chief Administrative Officer, the Municipal Court, the Police Department and the Department of Public Works to implement various programs and measures to reduce the problems of litter.

3. Four resolutions (Resolution Nos. 438-92, 456-92, 459-92 and 462-92) require actions by the Department of Public Works to increase the frequency of mechanical street sweeping in designated downtown areas (Resolution No. 438-92), implement cleaning of the United Nations Plaza and Hallidie Plaza on weekends and holidays (Resolution No. 456-92), increase the number of litter receptacles on City streets and examine the possibility of related private sector funding (Resolution No. 459-92) and direct clean-up to reduce litter in neighborhoods that are most affected (Resolution No. 462-92).

4. Mr. John Roumbanis of the DPW's Bureau of Street and Environmental Services reports that, over the last year, mechanical street sweeping (Resolution No. 438-92) has been expanded from two days to seven day per week on heavily used commercial streets as follows;

- Mission Street - Embarcadero to San Mateo County Line;
- Third Street - Market Street to San Mateo County Line;
- Van Ness Avenue - Mission Street to Jefferson Street;
- Powell Street - Market Street to Sutter Street;
- Market Street - Embarcadero to Castro Street: and
- Sixth Street - Market Street to Brannan Street.

5. Mr. Roumbanis reports that daily mechanical street sweeping service will be expanded shortly to the Embarcadero between the Third Street Bridge and Fisherman's Wharf. At a later time that service will be expanded to the Embarcadero southward of the Third Street Bridge.

6. In regard to the cleaning of the United Nations Plaza and Hallidie Plaza on weekends and holidays (Resolution No. 456-92), Mr. Roumbanis reports that over the last year the DPW has expanded the coordination of the street cleaning workfare program into these plazas during Saturdays and has started a Sheriff Work Alternative Program (SWAP) to clean these plazas on Sundays. DPW coordination includes: (1) scheduling of work crews; (2) transportation of workers; (3) supervision of each ten workers by a 7215 Labor Supervisor I; and (4) disposal of debris collected by workers. In addition, the DPW has ordered 10 passenger vans to transport up to 10 persons each and to tow a port-a-potty to move the workfare crews to and from the street cleaning work sites.

7. Mr. Roumbanis also reports that approximately 2,800 additional litter receptacles have been placed on the streets during the last year (Resolution No. 459-92). Of this total, 300 monument type litter receptacles have been placed in various neighborhoods resulting from the implementation of the Public Space Improvement Program funded by the Community Development Block Grant (CDBG) Program. In addition, 2,000 litter receptacles have been placed outside local food outlet stores in compliance with Public Works Code 173, that requires such businesses to obtain, install and clean these receptacles on a daily basis. Therefore, an estimated 4,800 litter receptacles are currently provided throughout the City.

8. Other DPW efforts to reduce litter in the City and neighborhood areas (Resolution No. 462-92) include (1) a major expansion of the work fare program which has tripled from five to 15 the number of crews working six days per week in designated neighborhoods and (2) the growing number of volunteers to 350 under DPW's Broom and Brush Brigade (formerly Broom Brigade) which has provided to private individuals and groups the supplies to clean up sidewalks and gutters and remove graffiti at selected locations in the City.

9. Resolution No. 457-92 pertains to Section 23115 of the California Vehicle Code which requires vehicles transporting materials to be covered. Captain John Gleeson of the Police Department's Traffic Division advises that one Police Officer has been assigned to following-up on complaints dealing with vehicles spilling materials on streets and roadways. Fines under the California Vehicle Code for such spillage are currently set at \$82. Captain Gleeson advises that he was still not aware of any specific directive from the Chief of Police urging the Traffic Division to increase the current police patrols enforcing this section of the California Vehicle Code.

10. Two resolutions have urged the Municipal Court to increase minimum fines for (1) illegal parking at street locations during hours for street cleaning from \$15 to \$23 (Resolution No. 437-92) and (2) illegal dumping of refuse from \$52 to \$500 (Resolution No. 461-92). Mr. Gordon Park Li of the Municipal Court reports that the Municipal Court has increased the minimum fine for illegal parking at street locations during hours for street cleaning from \$15 to \$20 beginning July 1, 1992. and increased the minimum fine for illegal dumping of refuse from \$52 to \$81 beginning September 1, 1992. Item No. 4 in this report discusses the proposed Resolution (File 237-93-1) which urges the Municipal Court to increase the bail for illegal dumping of refuse from \$52 to \$300.



11. Resolution No. 454-92 deals with the efforts of the Chief Administrative Officer (CAO) to institute a neighborhood outreach program. Ms. Kim Fowler of the CAO's Neighborhood Beautification Program reports that the current outreach program to inform eligible groups of the Neighborhood Beautification and Graffiti Clean-Up Fund has been implemented to encourage neighborhood organizations to apply for funding to purchase litter receptacles and steam-cleaning services. Ms. Fowler reports that clean-up funds are not only available for the purchase of litter receptacles and steam cleaners, but are also available for tree planting, hiring persons to clean up neighborhoods and graffiti removal. In 1993, 30 grants were awarded, totaling \$380,003, for projects involving graffiti removal (\$194,954), ongoing clean-ups (\$158,579), trash receptacles (\$3,970) and urban forestry and gardening (\$22,500). (see Attachment).

12. Resolution No. 455-92 urges the CAO to provide reusable bags to apartment dwellers to take recyclables from their units to centralized collection bins, in order to increase participation in recycling. Ms. Sharon Maves of the Recycling Program advises that the results of a phone survey and literature search by staff indicate that, while providing containers to single-family residents increases participation, the same is not true for apartment residents. Due to space limitations in apartments, most residents prefer to custom-tailor their storage area to fit their own space and habits. Also, due to the turnover rate of apartment dwellers, bags and bins must be frequently replaced, which requires ongoing staffing and restocking, and is thus costly. Participation rates are boosted more by continuous education. These efforts, now jointly provided by the Recycling Program, Norcal, and community recyclers, will be increasing this year. The results of a survey of 600 residents will be available soon and will guide the increased outreach for the Recycling Program.

13. Resolution No. 458-92 urges the development of a coordinated public education campaign to curb litter by the CAO. Mr. Joseph Johnson advises that such a proposal to develop a coordinated public education campaign which encourages merchants and residents to keep the streets clean and informs the public about anti-littering laws and penalties is currently under review by DPW Bureau of Street and Environmental Services.

14. Mr. Dan McKenna of the DPW's Bureau of Street Use and Mapping reports that sales tax and other funding from the Transportation Authority provides for three street tree planting programs during FY 1993-94. These are:

- \$272,000 for the planting of new street trees by the Sheriff's Tree Corps. The new plantings will be in conformance with the City's urban forestry master plan.
- \$50,000 for the planting of new street trees in four San Francisco neighborhoods by the San Francisco Friends of the Urban Forest. Establishment and long term maintenance costs will be the responsibility of the fronting property owner.

- \$49,875 from a State grant and \$14,250 from Sales tax funding for a joint street tree planting with the Friends of the Urban Forest in the Hayes Valley neighborhood to mitigate increased surface traffic related to the Central Freeway demolition. Establishment and long term maintenance costs will be the responsibility of the fronting property owner.

15. During FY 1993-94 the Bureau of Street and Environmental Services, Division of Urban Forestry, is scheduled to: (1) perform pruning and tree maintenance on approximately 6,000 street trees (30 percent of all City-maintained street trees); (2) perform annual tree service inspection and minor maintenance on 13,970 street trees (not receiving annual pruning); (3) perform scheduled landscape maintenance services on 2,530 acres, and (4) prune 480 large trees planted within landscaped street areas and median strips.

# SAN FRANCISCO NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND

## 1993 GRANT AWARDS BY CATEGORY

### A. Graffiti Removal

Bernal Heights Open Space Comm. Center for African & African American Art & Culture	\$ 1,154	Graffiti removal along Cortland Avenue and other sites in Bernal Heights
Clarion Alley Mural Project	\$ 4,000	Graffiti removal at the Center
El Dorado School Neighborhood Betterment Council	\$ 8,000	Creating murals in Clarion Alley to eradicate graffiti
Enterprise for High School Students	\$ 8,500	Graffiti removal in the Visitacion Valley area
Hunters Point Community Youth Park	\$ 26,000	Graffiti removal in the Excelsior & Outer Mission
Mission Cultural Center	\$ 1,500	Graffiti removal around the facility
Mission Playground Neighborhood Association	\$ 18,000	Creating 4 murals in the Mission and Bernal Heights to eradicate graffiti
MUNI Graffiti Prevention Program	\$ 2,000	Graffiti removal around the Mission Playground area
North Beach Chamber of Commerce	\$ 30,000	Graffiti removal program for 1st-time graffiti offenders
North Beach Tenants Association	\$ 2,000	Graffiti removal in North Beach
Potrero Hill Neighborhood House	\$ 25,000	Graffiti removal at North Beach Place
Precita Eyes Mural Arts Center	\$ 11,300	Graffiti removal at Potrero Terrace & Annex
Real Alternatives Program	\$ 16,000	Creating 7 murals in the Mission & South of Market to eradicate graffiti
San Francisco Arts Commission	\$ 5,000	New mural at 24th & Bryant to eradicate graffiti
J. Eugene McAteer High School	\$ 10,000	Graffiti removal from public monuments
South of Market Foundation	\$ 2,500	Creating murals on the school grounds to eradicate graffiti
	\$ 17,000	"Taking Away Graffiti" program and sidewalk steamcleaning in the South of Market Area
<b>Sub-Total</b>	<b>\$194,954</b>	<b>(51%)</b>

### On-going Clean-ups

B. Bayview Hunters Point Foundation	\$ 22,500	Weekly trash clean-ups in the Bayview area performed by local youth
Central YMCA/Tenderloin Improvement Project	\$ 20,000	Daily trash clean-ups and graffiti removal in the Tenderloin provided by TIP youth
Chinatown Alleyway Improvement Association	\$ 9,879	Regular monitoring and clean-up of Chinatown alleyways performed by local youth
Chinatown Environmental Control Assn.	\$ 20,000	Daily additional trash pick-ups in Chinatown
Fellowship Urban Outreach Ministries	\$ 12,000	Weekly trash clean-ups around 3rd Street performed by local youth
19th St./Oakwood Neighborhood Assn. Project Artaud	\$ 5,000	Daily clean-ups of the area
SF Conservation Corps	\$ 6,500	Weekly trash clean-ups in the area performed by local youth
SF League of Urban Gardeners	\$ 35,000	20 clean-up and graffiti removal projects around San Francisco
Taraval/Parkside Merchants Assn.	\$ 26,900	Weekly trash and brush clean-ups performed by the Green Team
	\$ 800	Sidewalk steamcleaning in the area
<b>Sub-Total</b>	<b>\$158,579</b>	<b>(42%)</b>

### Trash Receptacles

C. Duboce Triangle Neighborhood Assn.	\$ 2,440	8 trash receptacles in the Duboce Triangle area
OMI Neighbors in Action	\$ 1,530	5 trash receptacles in the Ocean-Merced-Ingleside neighborhoods
<b>Sub-Total</b>	<b>\$ 3,970</b>	<b>(1%)</b>

### Urban Forestry and Gardening

D. SF Friends of the Urban Forest	\$ 22,500	Tree planting in the North of Panhandle, South of Market and Bernal Heights areas
<b>Sub-Total</b>	<b>\$ 22,500</b>	<b>(6%)</b>
<b>TOTAL AWARDS</b>	<b>\$380,003</b>	<b>(100%)</b>







Items 3, 6 and 8 - Files 218-93-1, 97-93-34 and 218-93-4

1. These three items concern graffiti. Item 3 (File 218-93-1) is a proposed resolution that urges the Mayor to urge the Department of Public Works to establish a graffiti hotline, and an outreach program for individuals affected by graffiti. Item 6 (File 97-93-34) is a proposed ordinance that would amend Chapter 5 of the San Francisco Administrative Code by creating a Graffiti Advisory Board. Item 8 (File 218-93-4) is a proposed resolution that urges the Municipal Court to impose increased penalties for persons who violate State and City Laws governing graffiti offenses and possession of graffiti implements.

Graffiti Hotline (Item 3, File 218-93-1)

2. The proposed resolution urges the Mayor to urge the Department of Public Works (DPW) to;

- a) create a graffiti hotline for members of the community, which would allow individuals to directly inform the DPW of both public and private buildings in need of graffiti cleanup.
- b) create an outreach program whereby members of the public can contact the DPW to have graffiti removed from private property.
- c) establish a crew to remove graffiti from private and public buildings and to supply paint to individuals interested in removing graffiti themselves.

3. According to Mr. John Roumbanis of the DPW, there is currently one telephone number at the DPW that members of the public may call for general cleaning services (litter removal and graffiti removal). Mr. Roumbanis further advises that in order to create a hotline specifically for calls concerning graffiti, a new telephone line would have to be installed. Mr. Roumbanis estimates that the cost of installing a new telephone line would be minimal and that responding to the new phone line could be handled by existing DPW staff. However, Mr. Roumbanis also states that using the existing DPW telephone number for all street environmental issues would be the most effective way to serve the public because it keeps things simple and would not require informing the public of a new "graffiti only" telephone number.

4. Mr. Roumbanis advises that the DPW issues press releases concerning the efforts of the DPW's Broom and Brush Brigade (a volunteer crew of approximately 300 individuals), who paint over graffiti on private buildings and supply paint to individuals who wish to remove graffiti by themselves. Currently, there are two DPW employees and ten youth workers, working on graffiti removal (limited to Market St.). The youth workers are assigned for a period of one year beginning September 1, 1993, and are funded through the Mayor's Office of Community Development. However, DPW has a supplemental appropriation ordinance (File 101-93-13) currently before the Budget Committee, requesting \$363,000 to specifically provide a Graffiti Abatement Program. According to the DPW, the

Department intends to use existing permanent employees for the proposed Graffiti Abatement Program, and to backfill those employees with temporary personnel as needed. The amount of funds requested for temporary personnel and related costs for the period beginning December 1, 1993 and ending June 30, 1994 is \$363,000. The Graffiti Abatement Program would provide graffiti removal services for both public and private buildings.

Graffiti Advisory Board (Item 6, File 97-93-4)

5. The proposed amendment to Chapter 5 of the San Francisco Administrative Code would create a Graffiti Advisory Board that would serve in an advisory capacity to the Board of Supervisors concerning the problem of graffiti in neighborhoods and the downtown area of San Francisco. The Graffiti Advisory Board shall submit a report every six months to the Board of Supervisors and the Mayor. The report is to include a review and evaluation of the services and programs in place to respond to graffiti, prevention strategies, and recommendations as to a consolidated program of public and private efforts. There would be twelve voting members, who shall be appointed as follows:

- a) The Mayor, or a designee, shall serve as a member.
- b) Eleven members shall be appointed by the Board of Supervisors.  
(One member shall be appointed by each member of the Board)

6. The Board of Supervisors is to provide in-kind professional and administrative staff to the Advisory Board. The Clerk of the Board has not estimated the cost of providing such in-kind professional and administrative staff to the Advisory Board.

7. According to the proposed resolution, members of the Advisory Board will receive no compensation and will not be reimbursed for expenses.

Increased Graffiti Fines (Item 8, File 218-93-4)

8. The proposed resolution urges the Municipal Court to impose increased penalties on persons who have violated State or City laws concerning graffiti. According to the proposed resolution, Courts have typically been assessing persons charged with violating these graffiti laws, fines and community service in amounts much smaller than those authorized by law. The proposed resolution states that imposing increased penalties would more fully reflect the cost to the community of the defendant's actions and would increase the effectiveness of these penalties in deterring future offenses.

9. According to the proposed resolution, City law provides that persons illegally possessing permanent markers can be fined up to \$500. State law authorizes courts to impose fines of up to \$1,000 for the possession of aerosol paint containers and fines of up to \$10,000 and up to 48 hours of community service for violation of graffiti laws.



10. According to Mr. Gordon Park-Li of the Municipal Court, approximately 99 percent of graffiti offenses are adjudicated through the Juvenile Court because the individuals involved are under the age of 18. Mr. Park-Li estimates that there are less than ten graffiti cases processed through the Municipal Court each year. Mr. Park-Li has not estimated the amount of total graffiti fine revenues for these few cases.

11. The Juvenile Court reports that in FY 1992-93, there were 170 convictions involving minors in violation of Section 594 of the California Penal Code (committing an act of graffiti), and 68 convictions of minors in violation of Section 555 of the California Penal Code (possession of graffiti materials). Fines for such convictions are as follows:

	<u>Amount Fined</u>	<u>Total Revenue</u>
<u>Section 594</u>		
159 first time offenders	\$270	\$42,930
11 repeat offenders	\$675	7,245
<u>Section 555</u>		
68 offenders	\$76	<u>5,168</u>
Total		\$55,343

### Recommendation

Approval of proposed ordinance and resolutions are policies matters for the Board of Supervisors.



Item 4 - File 237-93-1

**Item:** Resolution urging the Municipal Court to increase the City's \$30 bail portion of the \$81 total fine for illegal dumping of refuse to \$300 and directing the Clerk of the Board of Supervisors to transmit a copy of this resolution to the Municipal Court.

**Description:** The proposed resolution would urge the Municipal Court of the City and County of San Francisco to increase the bail for illegal dumping in violation of Section 280 of the San Francisco Health Code from \$30 to \$300. Section 280 of the San Francisco Health Code prohibits dumping of refuse in any street, water or waterways, lot or lands within the City and County of San Francisco.

**Comments:** 1. The Municipal Court advises that fines for the violation of Section 280 currently include: (a) City bail which is currently set at \$30, (b) a \$30 State penalty determined by Penal Code 1464 which provides that a State penalty should be levied in an amount equal to \$10 for every \$10 of bail, and (c) a \$21 County penalty determined by Government Code 76000 which states that the County penalty should be levied in an amount equal to \$7 for every \$10 of bail. Accordingly, the total fine for violations of Section 280 of the San Francisco Health Code is currently calculated as follows:

City Bail	\$30
State Penalty	30
County Penalty	<u>21</u>
Total Fine	\$81

If the City bail were to be increased from \$30 to \$300, the total fine would increase as follows:

Bail	\$300
State Penalty	300
County Penalty	<u>210</u>
Total Fine	\$810

2. Section 287 of the San Francisco Health Code provides that any person who violates the provisions of Section 280 shall be guilty of an infraction or a misdemeanor. An infraction is punishable by a fine of not less than \$30 nor more than \$100 for the first offense. For a second and each additional offense, Section 287 states that the fine is not less than \$100 nor more than \$500. If charged as a misdemeanor, upon conviction, the individual charged may be punished by up to one year in County Jail or a fine not exceeding \$1,000.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Section 287 specifies that the District Attorney shall decide whether the violation is a misdemeanor or an infraction.

3. Mr. Gordon Park-Li, Clerk - Administrator Of the Municipal Court states that the Judges of the Municipal Court believe that if the Board of Supervisors wish to provide for a more stringent punishment for violation of Section 280, the Board of Supervisors should consider urging the District Attorney to prosecute violations of Section 280 as a misdemeanor, rather than an infraction, which is punishable by up to one year of incarceration in County Jail or a fine of no more than \$1,000.

4. Ms. Terry Jackson, the head of the Misdemeanor Trials Section of the District Attorney's Office, reports that the District Attorney processes cases involving the illegal dumping of refuse on a case by case basis in determining whether or not a violation should be an infraction or a misdemeanor. According to Ms. Jackson, in making such a determination, the District Attorney takes into consideration such factors as the type of refuse which was dumped, how the refuse was dumped, whether or not the perpetrator has a history of committing such violations and whether the perpetrator has a prior criminal record. Ms. Jackson states that the District Attorney has a policy of vigorously pursuing and, where appropriate, prosecuting to the fullest extent of the law those cases involving violations which negatively impact the environment, including fish and game violations. As of the writing of this report, the District Attorney was unable to provide information on the annual number of cases involving illegal dumping which have been determined, by the District Attorney, to be an infraction versus a misdemeanor.

5. According to Chief Deputy Gary Go of the Municipal Court, the number of citations for violations of Section 280 of the San Francisco Health Code from January 1, 1991 through April 30, 1993 (28 months), is as follows:

<u>Calendar Year</u>	<u>Number of Citations</u>
1991	5
1992	98
January 1, 1993 to April 30, 1993	<u>55</u>
Total	158

As of the writing of this report, the Municipal Court was unable to provide an estimate of the current annual revenues generated by these citations for illegal dumping.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Item 5 - File 30-93-13

1. This item is a hearing to consider the Department of Public Health's Center for Special Problems.

2. The Center for Special Problems (CSP) is a program component of the Department of Public Health's Division of Mental Health, Forensic and Substance Abuse Services (DMFS). The CSP provides counseling, case management, medication and psycho-social support services to violent mentally ill persons (i.e., persons who commit domestic violence and child molestation), victims of physical and sexual abuse, youths who are gay, lesbian, or transgender (an individual who believes that he is a female trapped in a male body or vice versa), transgender adults and HIV positive mentally ill persons.

3. During the FY 1993-94 budget process, funding in the amount of \$1,867,175 for eleven months funding (\$169,743 per month) of the CSP was deleted from the Department of Public Health's budget. \$169,743 was appropriated for the CSP to pay for the program's operation for the month of July, 1993. The Board of Supervisors subsequently established a budgetary reserve to restore an additional \$848,715 to pay for the CSP's operation for the five-month period from August 1, 1993 to December 31, 1993. This \$848,715 is included in the \$9,200,000 General Fund Reserve earmarked for the DPH. The DPH has submitted a supplemental appropriation request to the Mayor's Office to appropriate the \$848,715 for the CSP, which is included in the reserve established by the Board of Supervisors. Although the \$848,715 has not, as yet, been appropriated for the CSP, the program is continuing to operate, using existing budgeted funds which will be restored upon approval of the pending supplemental appropriation.

**Comment:**

Mr. Jeffrey Jue, Director of the DMFS, advises that representatives of the DPH will be available at the Health, Public Safety and Environment Committee meeting on October 12, 1993 to respond to any questions which the Committee might have.





Item 7- File 121-93-6

1. The proposed ordinance would amend Chapter VIII of the San Francisco Municipal Code (Police Code) by adding Article 42, Sections 4200 and 4201 regulating the sale of aerosol paint and marker pens and making it unlawful to sell aerosol paint or marker pens in violation of these requirements.

2. The proposed ordinance would prohibit store owners and operators from displaying aerosol paints or marker pens in an area that is accessible to the public without employee assistance. Currently, both State and local codes regulate the sale of aerosol paint to minors. Section 594.1, Subdivision A of the California Penal Code prohibits the sale of aerosol paint containers that contain more than 6 ounces of opaque liquid to unsupervised minors. Article 8, Section 554 of the San Francisco Police Code prohibits the sale of aerosol paint containers that contain 6 ounces or less of opaque liquid to unsupervised minors. The sale of indelible marker pens with marking tips of one-half inch or more to unsupervised minors is also prohibited by Article 8, Section 555 of the Police Code.

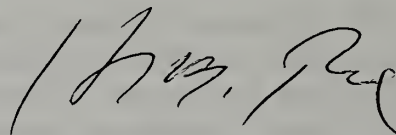
3. The proposed ordinance defines aerosol paint containers to include any size container, thus limiting the display of aerosol paint containers that are currently regulated by the State (more than 6 ounces) as well as those that are regulated by the City (6 ounces or less). The proposed ordinance defines marker pens more broadly than does the existing regulation on the prohibition of the sale of marker pens to minors, to include all marker pens with a writing tip exceeding 4 millimeters (approximately 1/6 inch), whereas the current sale prohibition is on markers more than 1/2 inch in width.

4. Police Department Deputy Chief of Patrol Thomas Petrini advises that the Police Department does not regularly inspect retail establishments that do not have liquor licenses or other special permits. Chief Petrini states that enforcement of the proposed ordinance would probably be confined to requesting voluntary compliance and responding to citizen complaints, as is the case with Police enforcement of restrictions on display of cigarettes for sale. The cost of such enforcement would depend upon the volume of complaints.

However, Chief Petrini notes that the Police Department might determine that more vigorous enforcement of the proposed ordinance is warranted in areas of the City that have the most graffiti problems. Chief Petrini advises that the time consuming nature of such enforcement would result in additional time being expended for such enforcement, which in turn would result in less time for other Police responsibilities. However, in the absence of a specific enforcement plan, Chief Petrini is unable to estimate the additional enforcement time which would be required.

**Recommendation**

Approval of the proposed ordinance, which would prohibit establishments that sell aerosol paint containers or marker pens from displaying either item in an area that is accessible to the public without employee assistance, is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Theresa Lee  
Ted Lakey

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/// CALENDAR - Actions Taken

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/// **MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, OCTOBER 12, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR LEAL - ITEMS 2 AND 4

CLERK: GAIL JOHNSON

1. File 121-93-15.1. [On-Street Vehicle Sales; Removal of Vehicles] Ordinance amending Police Code Section 710.2 to authorize removal of those vehicles from city streets in violation of the prohibition against parking of vehicles for purpose of displaying such vehicles for sale. (Supervisor Shelley)

ACTION: Hearing held. Recommended.

2. File 217-92-12. Hearing to consider San Francisco's urban environment, including the progress in implementing the litter abatement program adopted by the Board of Supervisors, proposals to reduce graffiti, and the status of urban forestry in San Francisco. (Supervisor Shelley)

ACTION: Hearing held. Continued to the Call of the Chair.

3. File 218-93-1. [Graffiti Hotline] Resolution urging the Mayor to urge the Department of Public Works to establish a graffiti hotline and an outreach program for individuals vandalized by graffiti. (Supervisor Shelley)

ACTION: Amended on page 1, lines 2 and 20, and on page 2, lines 4 and 10, by replacing "Mayor" with "Chief Administrative Officer". Recommended as amended. New title: "Urging the Chief Administrative Officer to urge the Department of Public Works to establish a graffiti hotline and an outreach program for individuals vandalized by graffiti."

4. File 237-93-1. [Illegal Dumping Fine] Resolution urging the Municipal Court of the City and County to increase the bail for illegal dumping of refuse from \$52 to \$300 and directing the Clerk to transmit a copy of this resolution to the Municipal Court. (Supervisor Shelley)

ACTION: Hearing held. Recommended.



5. File 30-93-13. Hearing to consider the Center for Special Problems. (Supervisor Alioto)

ACTION: Hearing held. Continued to the Call of the Chair.

6. File 97-93-34. [Graffiti Advisory Board] Ordinance amending Administrative Code by adding Sections 5.170 through 5.174 creating a Graffiti Advisory Board. (Supervisor Conroy)

ACTION: Hearing held. Continued to the Call of the Chair (at the request of sponsor.)

7. File 121-93-6. [Display of Spray Paint and Markers] Ordinance amending Police Code by adding Article 42, Sections 4200 and 4201, regulating the sale of aerosol paint and marker pens and making it unlawful to sell aerosol paint or marker pens in violation of these requirements. (Supervisor Conroy)

ACTION: Hearing held. Recommended. (Supervisor Shelley added as co-sponsor.)

8. File 218-93-4. [Graffiti Penalties] Resolution urging the Municipal Court for the City and County to impose increased penalties for persons who violate State and City laws governing graffiti offenses and possession of graffiti implements. (Supervisors Conroy, Alioto)

ACTION: Hearing held. Recommended. (Supervisor Shelley added as co-sponsor.)

CITY AND COUNTY



OF SAN FRANCISCO

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// **BOARD OF SUPERVISORS**

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

October 15, 1993

**TO:** // Health, Public Safety and Environment Committee  
**FROM:** // Budget Analyst  
**SUBJECT:** October 19, 1993 Special Health, Public Safety and Environment Committee Meeting

Item 1 - File 302-93-1

**Department:** Municipal Court  
Police Department

**Item:** The proposed ordinance would grant amnesty to those individuals cited for violating various provisions of the San Francisco Municipal Code, for 180 days commencing on August 1, 1993.

**Description:** The proposed ordinance would grant amnesty to any person cited for violating any of the following ordinances: Police Code Sections 22 (blocking sidewalks) and 33 (littering) and Park Code Sections 3.12 (camping) and 3.13 (sleeping). The proposed ordinance would apply to all citations for violations of the above enumerated ordinances commencing on August 1, 1993 and for 180 days thereafter.

**Comments:** 1. The following is a brief description of each of the relevant sections in the San Francisco Municipal Code.

Police Code Section 22- No person shall willfully and substantially obstruct the free passage of any person on any street, sidewalk, passageway or other public place.

Police Code Section 33- No person shall discard debris upon any sidewalk, street, alley, gutterway or other public place.

Park Code Section 3.12- No person shall construct or maintain any building, structure, tent or any other thing in any park that may be used for housing accommodations or camping.

Park Code Section 3.13- No person shall remain in any park for the purpose of sleeping between the hours of 10:00 p.m. and 6:00 a.m.

2. Deputy Chief of Police Thomas Petrini of the Police Department advises that the fine for violation of Section 3.12 of the Park Code is \$135 and the fine for violation of Section 3.13 of the Park Code is \$154. According to Deputy Chief Petrini, in the month of August 1993, 285 citations were issued for violations of Section 3.12 of the Park Code and 73 citations were issued for violations of Section 3.13 of the Park Code. Based on the existing fines for violation of these Park Code Sections, the Budget Analyst estimates that these 358 citations issued during the month of August could generate a total of \$49,717 in revenue for the City. If the number of citations for violations of the Park Code Sections remained constant over the entire six month amnesty period, the Budget Analyst estimates that these 2,148 (six months x 358) citations could generate a total of \$298,302 (six months x \$49,717) in revenue.

3. Deputy Chief Petrini is unable at this time to determine the number of citations issued for violations of Sections 22 and 33 of the Police Code for the month of August, 1993. However Deputy Chief Petrini states that he would expect the total number of citations issued for violations of the Police Code Sections to be less than the number of citations issued for violations of the Park Code Sections. The fine for violating either Police Code Section 22 or 33 is \$76.

4. Mr. Gordon Park-Li of the Municipal Court states that during all of 1993 a total of 2,053 citations were issued for violations of Police Code Sections 22 and 33, and Park Code Sections 3.12 and 3.13. However, of the 2,053 citations issued, only two citations have resulted in fines actually being paid for a total of \$127 in revenue to the City. Mr. Park-Li reports that it is possible that the number of fines paid is extremely low because the subject citations might have been issued primarily to the City's homeless population, thereby making the collection of these fines nearly impossible.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



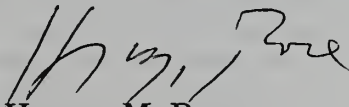
Memo to Health, Public Safety and Environment Committee  
October 19, 1993 Special Health, Public Safety and Environment Committee Meeting

Item 2 - File 119-93-1

1. This item is a hearing to consider enacting legislation to allow for the distribution of free food to the homeless in the City's parks and/or other public locations.

2. Mr. Burke Delventhal of the City Attorney's Office advises that in accordance with the City Charter, the Recreation and Park Department has exclusive jurisdiction over the management and use of the City's parks. Thus, according to Mr. Delventhal, the Board of Supervisors does not have authority to permit the distribution of free food to the homeless in the City's parks, without the concurrence of the Recreation and Park Commission. Currently under Section 7.03 of the Park Code, it is a misdemeanor to sell or provide food, without a permit, to persons, except in the case of a picnic or social gathering of up to 25 or fewer persons. According to Mr. Delventhal, the Board of Supervisors does have the authority to repeal this provision. This in effect, according to Mr. Delventhal, would remove the penal sanction for distributing food to the homeless in parks without Recreation and Park Department approval. However, Mr. Delventhal advises that since it is the Recreation and Park Department which has exclusive jurisdiction of the City's parks, if the Board of Supervisors wanted to have full control in authorizing the distribution of free food to the homeless in the City's parks, the Board of Supervisors would have to submit a Charter Amendment to the electorate with respect to this matter.

3. Mr. Delventhal adds that with respect to other public locations in the City (i.e., plazas, public squares, sidewalks), which are not under the exclusive jurisdiction of the Recreation and Park Department or some other City agency, the Board of Supervisors currently has the authority, if it so chooses, to provide for the issuance of permits to allow the distribution of free food to the homeless at such locations. An example of such a location would be the U.N. Plaza.

  
Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board

Chief Administrative Officer  
Controller  
Teresa Serata  
Theresa Lee  
Ted Lakey

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



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CALENDAR - ACTIONS  
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SPECIAL MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, OCTOBER 19, 1993 - 2:00 P.M.

LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL

PRESENT: SUPERVISORS HALLINAN AND ALIOTO

ABSENT: SUPERVISORS SHELLEY AND LEAL

CLERK: GAIL JOHNSON

1. File 302-93-1. [Amnesty] Ordinance granting amnesty to those cited for violating various provisions of the San Francisco Municipal Code (Police Code Sections 22 and 33 and Park Code Sections 3.12 and 3.13), for 180 days commencing on August 1, 1993. (Supervisors Alioto, Bierman, Hallinan)

ACTION: Hearing held. Recommended.

2. File 119-93-1. Hearing to consider enacting legislation to allow for the distribution of free food to the homeless in City parks and/or other public locations. (Supervisor Hallinan)

ACTION: Hearing held. Resolution, as presented by Supervisor Hallinan, prepared in and reported out of Committee. Entitled: "Urging the Mayor to urge the Recreation and Park Commission to consider allowing the free distribution of food to the poor, the hungry and the homeless in appropriate and designated City parks, subject to compliance with Health Code standards of the City, and declaring that it is the policy of the Board that no City resources be used to prevent the public distribution of free food in appropriate and designated City parks served in compliance with appropriate Health Code standards." Recommended. (Supervisors Alioto and Bierman added as co-sponsors.)





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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

October 22, 1993

**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst *Recommendations.*  
**SUBJECT:** October 26, 1993 Health, Public Safety and Environment Committee Meeting

Item 1 - 118-93-8

**Note:** This item was continued at the Health, Public Safety and Environment Committee Meeting on September 28, 1993.

1. The proposed ordinance would amend Part II, Chapter V of the San Francisco Municipal Code (Health Code) by adding Article 19E, consisting of Sections 1009.5 through 1009.8, to prohibit smoking in places of employment and certain publicly owned sports arenas.

2. Section 1008.2 of the Health Code currently prohibits smoking in enclosed property owned or leased by the City and County of San Francisco. Article 19.A, Section 1006 of the Health Code requires non-smoking tables in restaurants.

3. The net effect of the proposed ordinance would be that smoking would be banned entirely, not just in City owned or leased buildings, but in all workplaces within the geographic boundaries of San Francisco, including restaurants and bars. The proposed ordinance would only exempt hotel and motel guest rooms and facilities being used for charity bingo games. In addition, the proposed ordinance would prohibit smoking at publicly owned open space sports arenas with a seating capacity of at least 30,000 people, not including the parking lots. Currently, Candlestick Park is the only open space sports arena that would be affected by the proposed ordinance.

**Comments**

1. Mr. Jack Breslin of the Department of Public Health (DPH), Environmental Health Services reports that DPH has responsibility for enforcing the existing smoking regulations in buildings owned or leased by the City as well as educational facilities in the City. Mr. Breslin advises that the DPH currently has one half-time Senior Environmental Health Inspector assigned to handling smoking-related complaints in the workplace (public and private). This position is funded by Tobacco Tax funds. Mr. Breslin believes that the proposed amendments to the Health Code would serve to simplify the smoking regulations in the long-term. For example, currently the City requires restaurants to provide an unspecified number of tables for non-smoking patrons. A non-smoking table can be next to a smoking table. Thus, if someone complains to DPH about a smoker in a restaurant, it is difficult to determine whether the restaurant violated the City's Health Code.

2. However, DPH estimates that, based on the current complaint rates for the existing non-smoking ordinances, the proposed ordinance would generate approximately 50 complaints per month and approximately 100 telephone requests for information and guidance each month. The DPH reports that each complaint may require up to four hours to resolve and each telephone call would take approximately 20 minutes. Thus, approximately 233 hours each month would be required to implement the proposed ordinance. The DPH further reports that after one year the complaints and telephone calls should decrease by 33 percent to 155 hours per month. The Department therefore advises that it would require 1.5 FTE Environmental Health Inspector at a total annual cost of \$118,038 to implement the proposed ordinance for the first year and one FTE Environmental Health Inspector at an annual cost of \$78,691 for each year thereafter. Approximately .23 FTE administrative and support staff would also be required at approximately \$15,660 annually. Additional costs, such as materials and supplies, mileage and training at an estimated \$9,000 annually, would also be associated with the proposed ordinance. In sum, the Department estimates that after the first year, the proposed ordinance would cost \$103,351 annually to implement.

3. The Director of Public Health would enforce the provisions of the proposed ordinance by serving notice to violators requiring correction within a reasonable time that would be specified by the Director. If the violator does not comply, the Director could request the City Attorney to take injunctive action and assess a civil penalty not to exceed \$500. In addition, the person making the complaint or the owner of the premises could seek damages of up to \$500 a day from the smoker for each day the violation occurs.

4. In addition, violation of the proposed ordinance would be a misdemeanor. If an action were brought by the District Attorney and if convicted of the misdemeanor, the penalty could be up to \$250 for the first violation, up to \$350 for a second violation within one year and up to \$600 for each additional violation within a year.



Memo to Health, Public Safety and Environment Committee  
October 26, 1993 Health, Public Safety and Environment Committee Meeting

5. Mr. Breslin reports that the City has not had to levy fines under the existing non-smoking ordinance that covers City-owned or leased buildings. Mr. Breslin advises that it is unlikely the City would receive additional revenue from the penalties included in the proposed ordinance.

6. According to the Department of Public Health, 50 California cities have ordinances eliminating smoking in workplaces and restaurants, 20 cities have ordinances eliminating smoking in restaurants only and 11 cities have ordinances eliminating smoking in the workplace only for a total of 81 California cities that have non-smoking ordinances.

**Recommendation**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Item 2 File 121-92-11

**Note:** This item was transferred from the City Services Committee to the Health, Public Safety & Environment Committee on January 18, 1993.

1. The proposed ordinance would amend Chapter VIII, Part II of the Police Code by adding new Sections 1147 through 1147.6, which would require (1) training for taxicab drivers, (2) installation of safety equipment in taxicabs, and (3) compliance with California Workers' Compensation statutes and regulations.

2. Under the proposed ordinance, Section 1147 states that the purpose of the Sections 1147 through 1147.6 is to require that all persons, firms or corporations holding taxicab permits, and all persons applying for driver's permits, take steps to improve taxicab services to the public and to protect the public health and safety when providing such services.

3. Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall certify that they have successfully completed a driver training course. Such training courses must include a minimum of 16 hours and include instruction on crime prevention, vehicle safety, public relations, the geography of San Francisco, taxicab rules and regulations, and the California Vehicle Code. The training course may be offered by the San Francisco Police Department, the San Francisco City College District or any other such entity that is approved by the Chief of Police.

4. Section 1147.2 would provide that within 180 days of the effective date of this proposed ordinance, all taxicab permit holders must (1) install automatic door locks that can be controlled by the driver, (2) ensure that the communications system in each taxicab allows for direct access to the dispatcher in emergencies, and (3) install a retractable safety partition in each taxicab that can be controlled by the driver. Additionally, within 60 days of the effective date of this ordinance, the Chief of Police shall set forth standards for safety partitions, which shall take into account crime prevention, passenger safety and comfort, and ease of communication between passenger and driver. Also within 60 days, the Chief of Police must establish standards and procedures for taxicab drivers and dispatchers to follow in an emergency and establish standards for automatic door locks.

5. Section 1147.3 would provide that the Chief of Police must conduct annual inspections of taxicabs to ensure that all safety equipment required under this proposed legislation is functioning properly. If it is determined, after inspection, that a taxicab lacks the required safety equipment or that the equipment is not functioning properly, the Chief of Police or his or her designee may order that the taxicab be removed from service until it has been re-inspected and certified that it is in compliance. Additionally, the Chief of Police shall hold an annual hearing to review (1) the taxicab permit holders' compliance with this proposed legislation, (2) the effectiveness of safety equipment and safety measure currently in effect, and (3) the need for further measures to reduce taxicab crime and to protect the public safety. At the conclusion of this hearing, the hearing officer shall make a written report to the Police Commission. Based on the findings of this report, the Chief of



Police shall determine whether or not further regulations are needed to implement this proposed legislation. Additionally, the Chief of Police shall direct the appropriate Police Department personnel to compile and maintain statistics on taxicab crimes, to be submitted to the Police Commission and the Chief of Police in conjunction with the annual hearings mandated by this Section.

6. Section 1147.4 would stipulate that all persons, firms or corporations holding taxicab color scheme permits must comply with all State statutes concerning Worker's Compensation. Additionally, taxicab color scheme permit holders must include a sworn statement attesting to compliance with such statutes, as part of the annual permit filing process. Taxicab color scheme permit holders include taxicab companies, of which there are 32 in the City, which have a specific color scheme for their cabs (i.e., the Yellow Cab Company). Permit holders which are not color scheme holders are primarily individual taxicab drivers or very small companies which would not be subject to this provision.

7. Section 1147.5 states that by adopting this ordinance the City is only promoting the general welfare and is not assuming or imposing on the City's officers or employees an obligation, which if breached, would cause the City to be liable in money damages to any person who claimed such breach caused injury.

8. Section 1147.6 would provide that every person, firm or corporation holding a taxicab permit who violates any of the provisions of this proposed legislation shall be subject to disciplinary action pursuant to Section 1090 of the Police Code. Under Section 1090, violations are punishable by revocation or suspension of a permit.

### Comments.

1. Officer Farrell Suslow of the Police Department reports that the Police Department is currently providing a once a week training course for approximately 20 to 25 taxicab drivers. Officer Suslow advises that the 3 1/2 to 4 hour course covers the following subject matter: (1) crime prevention, (2) vehicular safety, (3) taxicab rules and regulations and (4) the California Motor Vehicle Code. Officer Suslow states that the Department is proposing to expand the course to include passenger relations (i.e., awareness of passenger needs and concerns, particularly with respect to handicapped persons) and Airport rules and regulations as they pertain to taxicabs. Based on the inclusion of this additional subject matter, the course is expected to require approximately 6 hours to complete. According to Officer Suslow, the Department believes that the proposed expanded course will be sufficient to meet the training needs of the taxicab drivers in contrast to the 16-hour course proposed in the legislation. Officer Suslow advises that the cost for the Department's current training course is covered by the application fee paid by the taxicab drivers and therefore the City is fully reimbursed for its costs regarding the training course. Officer Suslow states that if the Department were required to expand their current training course to correspond to the 16-hour training course proposed in the legislation, the Department would probably incur some undetermined start-up costs, but that the on-going costs for such a training course could be passed on to the taxicab drivers through an increase in the application fee.

Such an increase in the application fee would require the approval of the Board of Supervisors.

2. Officer Suslow also advises that the Police Department currently does not provide on-site regular inspections for taxicabs. According to Officer Suslow if the Department were required to provide the safety inspections as proposed in this legislation, it would entail acquiring a facility in which to conduct the inspections, as well staff overtime to perform this function. As of the writing of this report, Officer Suslow was unable to provide a specific estimate of the additional cost that would be incurred by the Department for the use of a facility or for staff overtime. However, Officer Suslow adds that such increased costs could be passed on to the taxicab companies and/or the cab drivers through increases in the annual licensing fees. Such an increase in the annual licensing fees would require the approval of the Board of Supervisors.

3. Airport Police are currently responsible for a yearly inspection of taxicabs with regard to vehicular safety. Lieutenant Raoul Fanfelle of the Airport Police reports that if the Airport is required to include the inspection of the safety equipment outlined in the proposed legislation in its annual safety inspection of taxicabs, it would result in an undetermined amount of increased costs for staff training, inspection time and administrative processing. Lieutenant Fanfelle advises that the taxicab safety inspections and associated costs are paid for by Airport Ground Transportation Funds. The source of the Airport Ground Transportation Funds, is revenue generated from fees charged to taxicab companies which operate out of the Airport.

4. According to Officer Suslow, the Police Department would also incur an undetermined amount of overtime costs for (1) the establishment of standards for the proposed safety equipment (partitions and locks) and emergency procedures for taxicab drivers and dispatchers, (2) the compilation and maintenance of statistics on taxicab crime and (3) the proposed annual hearing to determine taxicab company compliance with the proposed legislation, the effectiveness of the safety equipment and the need for further measures to reduce taxicab crime.

5. Officer Suslow reports that depending on the level of ballistic quality, the installation of a safety partition in each cab could cost taxicab companies from \$450 to \$2,000 per vehicle. Mr. Nathan Dwiri, Manager of the Yellow Cab Company, estimates that it will cost approximately \$1,000 to install a safety partition in each cab. Officer Suslow estimated that automatic door locks would cost taxicab companies from \$100 to \$125 for installation per cab. Officer Suslow noted that late model automobiles have automatic locks already installed. Mr. Dwiri indicated that approximately one-third of his company's fleet of cabs will have automatic door locks by the end of 1993.

6. Captain James Molinari of the Police Department advises that fact finding hearings on the proposed legislation were held before the Police Commission on May 25, 1993 and June 1, 1993. Based on the findings of fact from these hearings, an Amendment to the Whole on the proposed legislation was drafted by the Police Department. This amended legislation was adopted by the Police Commission on



September 15, 1993. The Police Department's amended legislation deletes the provision which would require the Police Department to conduct annual inspections of taxicabs and modifies other provisions as follows:

(1).Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall complete a driver training course, which shall consist of classes on the following subjects: crime prevention, vehicular safety, passenger relations, taxicab rules and regulations, the California Motor Vehicle Code, and any other subject the Chief of Police may determine is relevant to the public health and safety (no length of time is specified for this course) . The course may be offered by the Police Department or any other entity the Chief of Police may approve. Within 120 days (as opposed to the 60 days specified in the proposed legislation) of the effective date of this ordinance, the Chief of Police shall adopt regulations setting forth the required course length and content.

(2). Section 1147.2 would provide that within 60 days of the effective date of this ordinance, all new vehicles placed into service as a taxicab must be equipped with automatic door locks (as opposed to the 180 days specified in the proposed legislation). Additionally, within 120 days of the effective date of this ordinance (as opposed to the 180 days specified in the proposed legislation), all taxicab color scheme companies, whereby ten or more taxicabs are permitted to operate, shall insure that a minimum of 25 percent of such permitted taxicabs are equipped with safety partitions. Under the existing proposed legislation, any person, firm or corporation holding a taxicab permit must install a retractable safety partition in each of its taxicabs.

### Recommendation

Approval of the proposed ordinance is a policy decision for the Board of Supervisors.



Item 3 - File 60-93-12

1. The proposed resolution endorses the Californians for Parks and Wildlife Bond Act of 1994 (CALPAW 1994) which will provide nearly \$2 billion Statewide, through the use of State General Obligation Bonds, to acquire, protect and develop parkland, wildlife habitat, prime agricultural land, coastal areas, river habitat and other resources throughout California. It is anticipated that CALPAW 1994 will be placed on the June 7, 1994 ballot through the initiative process by the signatures of more than 625,000 California voters.

2. According to the proposed resolution, CALPAW 1994, is the result of the efforts of a coalition of community and conservation groups, business and labor, historic preservation and other organizations which have undertaken a volunteer, community-based effort to place CALPAW 1994 on the June 7, 1994 ballot.

3. According to Mr. John Horrell of the Planning and Conservation League (a non profit group working on CALPAW 1994), if CALPAW 1994 is approved by a majority of California's voters, the City and County of San Francisco will be eligible for the following: a) \$11.45 million for specifically designated San Francisco City and County Projects, b) a portion of \$58 million for specifically designated regional projects involving all Bay Area Counties, c) an estimated \$5 million in per capita allocations and block grants for community park and recreation agencies, d) a portion of \$90 million in statewide competitive grant funding, and e) a portion of \$102 million in Statewide project funding.

The \$11.45 million for projects listed in CALPAW 1994, which have been specifically designated for the City and County of San Francisco, are as follows:

California Academy of Sciences (repair, modernize existing facilities)	\$5,000,000
San Francisco Natural Areas Banking Fund (used to acquire natural areas)	2,000,000
India Basin Wetlands (recreate wetland habitat)	100,000
Candlestick Point State Park (restoration of seasonal wetland near Candlestick Point)	1,000,000
Seventh and Harrison Street Park (fund the development of vacant parcel into a neighborhood park)	500,000
San Francisco Natural Areas Restoration Account (used to restore natural areas)	600,000
Harrison and Treat Streets Park (fund the development of two vacant parcels into neighborhood parks)	750,000
Saint Mary's Square Playground (recreation space on top of parking garage)	1,000,000

October 26, 1993 Health, Public Safety and Environment Committee Meeting


Tenderloin Preschool Playground (playground on top of parking garage)	\$ <u>500,000</u>
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Total	\$11,450,000
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4. According to Mr. Horrell, CALPAW 1994 as a State General Obligation Bond Act, will be paid off from the State General Fund (historically the State General Fund has devoted approximately 2-5% of its total revenues to finance general obligation bonds). Mr. Horrell estimates that based on the State of California's current population, paying off CALPAW 1994 bonds would cost each Californian about \$6 a year, over a 20-year period. However, according to Mr. Horrell, this \$6 a year would not be a net increase, but rather a continuation of existing payments as the State continually retires old bonds and issues new bonds each year.

## Recommendation

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

  
Harvey M. Rose

**cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Theresa Lee  
Ted Lakey**

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

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26/93  
**CALENDAR** — ACTIONS TAKEN

**MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

**TUESDAY, OCTOBER 26, 1993 - 10:00 A.M.**

**LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL**

**PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL**

**ABSENT: SUPERVISOR LEAL - ITEM 2**

**CLERK: GAIL JOHNSON**

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1. File 118-93-8. [Smoking Prohibition] Ordinance amending Health Code by adding Sections 1009.5 through 1009.8 to prohibit smoking in places of employment and certain publicly owned sports arenas. (Supervisors Alioto, Bierman, Leal)  
(FISCAL IMPACT)

(Continued from 9/28/93)

**ACTION:** Hearing held. Amendment of the Whole adopted. Recommended as amended. New title: "Amending Health Code by adding Sections 1009.5 through 1009.10 to prohibit smoking in places of employment and certain publicly owned sports arenas."  
(Referred to Budget Analyst for fiscal impact determination.)

2. File 121-92-11. [Protection of Public Health and Safety in Taxicab Service] Ordinance amending Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) by adding Sections 1147 through 1147.6 requiring training for taxicab drivers, installation of safety equipment in taxicabs, and compliance with California Workers' Compensation Statutes and regulations. (Supervisors Shelley, Gonzalez, Alioto, Hallinan, Migden)  
(FISCAL IMPACT)

**ACTION:** Hearing held. Continued to November 9, 1993, meeting. (Supervisor Bierman added as co-sponsor.)

3. File 60-93-12. [Californians for Parks and Wildlife Bond Act of 1994] Resolution endorsing the Parks and Wildlife Initiative (CALPAW '94) which will provide nearly \$2 billion to acquire, protect and develop parkland, wildlife habitat, prime agricultural land, coastal areas, river habitat and other resources (which will appear on the June 7, 1994 ballot). (Supervisor Bierman)

**ACTION:** Hearing held. Recommended. (Supervisors Shelley and Leal added as co-sponsors.)





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CITY AND COUNTY



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OF SAN FRANCISCO  
ATTN: Jane Judson

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# BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

November 5, 1993

**TO:** Health, Public Safety and Environment Committee  
**FROM:** Budget Analyst  
**SUBJECT:** November 9, 1993 Health, Public Safety and Environment Committee Meeting

## Item 1 - File 121-92-11

**Note:** This item was continued by the Health, Public Safety & Environment Committee at its meeting of October 26, 1993.

1. The proposed ordinance would amend Chapter VIII, Part II of the Police Code by adding new Sections 1147 through 1147.6, which would require (1) training for taxicab drivers, (2) installation of safety equipment in taxicabs, and (3) compliance with California Workers' Compensation statutes and regulations.

2. Under the proposed ordinance, Section 1147 states that the purpose of the Sections 1147 through 1147.6 is to require that all persons, firms or corporations holding taxicab permits, and all persons applying for driver's permits, take steps to improve taxicab services to the public and to protect the public health and safety when providing such services.

3. Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall certify that they have successfully completed a driver training course. Such training courses must include a minimum of 16 hours and include instruction on crime prevention, vehicle safety, public relations, the geography of San Francisco, taxicab rules and regulations, and the California Vehicle Code. The training course may be offered by the San Francisco Police Department, the San Francisco City College District or any other such entity that is approved by the Chief of Police.

4. Section 1147.2 would provide that within 180 days of the effective date of this proposed ordinance, all taxicab permit holders must (1) install automatic door locks that can be controlled by the driver, (2) ensure that the communications system in each taxicab allows for direct access to the dispatcher in emergencies, and (3) install a retractable safety partition in each taxicab that can be controlled by the driver. Additionally, within 60 days of the effective date of this ordinance, the Chief of Police shall set forth standards for safety partitions, which shall take into account crime prevention, passenger safety and comfort, and ease of communication between passenger and driver. Also within 60 days, the Chief of Police must establish standards and procedures for taxicab drivers and dispatchers to follow in an emergency and establish standards for automatic door locks.

5. Section 1147.3 would provide that the Chief of Police must conduct annual inspections of taxicabs to ensure that all safety equipment required under this proposed legislation is functioning properly. If it is determined, after inspection, that a taxicab lacks the required safety equipment or that the equipment is not functioning properly, the Chief of Police or his or her designee may order that the taxicab be removed from service until it has been re-inspected and certified that it is in compliance. Additionally, the Chief of Police shall hold an annual hearing to review (1) the taxicab permit holders' compliance with this proposed legislation, (2) the effectiveness of safety equipment and safety measure currently in effect, and (3) the need for further measures to reduce taxicab crime and to protect the public safety. At the conclusion of this hearing, the hearing officer shall make a written report to the Police Commission. Based on the findings of this report, the Chief of Police shall determine whether or not further regulations are needed to implement this proposed legislation. Additionally, the Chief of Police shall direct the appropriate Police Department personnel to compile and maintain statistics on taxicab crimes, to be submitted to the Police Commission and the Chief of Police in conjunction with the annual hearings mandated by this Section.

6. Section 1147.4 would stipulate that all persons, firms or corporations holding taxicab color scheme permits must comply with all State statutes concerning Worker's Compensation. Additionally, taxicab color scheme permit holders must include a sworn statement attesting to compliance with such statutes, as part of the annual permit filing process. Taxicab color scheme permit holders include taxicab companies, of which there are 32 in the City, which have a specific color scheme for their cabs (i.e., the Yellow Cab Company). Permit holders which are not color scheme holders are primarily individual taxicab drivers or very small companies which would not be subject to this provision.

7. Section 1147.5 states that by adopting this ordinance the City is only promoting the general welfare and is not assuming or imposing on the City's officers or employees an obligation, which if breached, would cause the City to be liable in money damages to any person who claimed such breach caused injury.

8. Section 1147.6 would provide that every person, firm or corporation holding a taxicab permit who violates any of the provisions of this proposed legislation shall be subject to disciplinary action pursuant to Section 1090 of the Police Code. Under Section 1090, violations are punishable by revocation or suspension of a permit.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



**Comments.**

1. Officer Farrell Suslow of the Police Department reports that the Police Department is currently providing a once a week training course for approximately 20 to 25 taxicab drivers. Officer Suslow advises that the 3 1/2 to 4 hour course covers the following subject matter: (1) crime prevention, (2) vehicular safety, (3) taxicab rules and regulations and (4) the California Motor Vehicle Code. Officer Suslow states that the Department is proposing to expand the course to include passenger relations ( i.e., awareness of passenger needs and concerns, particularly with respect to handicapped persons) and Airport rules and regulations as they pertain to taxicabs. Based on the inclusion of this additional subject matter, the course is expected to require approximately 6 hours to complete. According to Officer Suslow, the Department believes that the proposed expanded course will be sufficient to meet the training needs of the taxicab drivers in contrast to the 16-hour course proposed in the legislation. Officer Suslow advises that the cost for the Department's current training course is covered by the application fee paid by the taxicab drivers and therefore the City is fully reimbursed for its costs regarding the training course. Officer Suslow states that if the Department were required to expand their current training course to correspond to the 16-hour training course proposed in the legislation, the Department would probably incur some undetermined start-up costs, but that the on-going costs for such a training course could be passed on to the taxicab drivers through an increase in the application fee. Such an increase in the application fee would require the approval of the Board of Supervisors.

2. Officer Suslow also advises that the Police Department currently does not provide on-site regular inspections for taxicabs. According to Officer Suslow if the Department were required to provide the safety inspections as proposed in this legislation, it would entail acquiring a facility in which to conduct the inspections, as well staff overtime to perform this function. As of the writing of this report, Officer Suslow was unable to provide a specific estimate of the additional cost that would be incurred by the Department for the use of a facility or for staff overtime. However, Officer Suslow adds that such increased costs could be passed on to the taxicab companies and/or the cab drivers through increases in the annual licensing fees. Such an increase in the annual licensing fees would require the approval of the Board of Supervisors.

3. Airport Police are currently responsible for a yearly inspection of taxicabs with regard to vehicular safety. Lieutenant Raoul Fanfelle of the Airport Police reports that if the Airport is required to include the inspection of the safety equipment outlined in the proposed legislation in its annual safety inspection of taxicabs, it would result in an undetermined amount of increased costs for staff training, inspection time and administrative processing. Lieutenant Fanfelle advises that the taxicab safety inspections and associated costs are paid for by Airport Ground Transportation Funds. The source of the Airport Ground Transportation Funds, is revenue generated from fees charged to taxicab companies which operate out of the Airport.

4. According to Officer Suslow, the Police Department would also incur an undetermined amount of overtime costs for (1) the establishment of standards for the proposed safety equipment (partitions and locks) and emergency procedures for taxicab drivers and dispatchers, (2) the compilation and maintenance of statistics on taxicab crime and (3) the proposed annual hearing to determine taxicab company compliance with the proposed legislation, the effectiveness of the safety equipment and the need for further measures to reduce taxicab crime.

5. Officer Suslow reports that depending on the level of ballistic quality, the installation of a safety partition in each cab could cost taxicab companies from \$450 to \$2,000 per vehicle. Mr. Nathan Dwiri, Manager of the Yellow Cab Company, estimates that it will cost approximately \$1,000 to install a safety partition in each cab. Officer Suslow estimated that automatic door locks would cost taxicab companies from \$100 to \$125 for installation per cab. Officer Suslow noted that late model automobiles have automatic locks already installed. Mr. Dwiri indicated that approximately one-third of his company's fleet of cabs will have automatic door locks by the end of 1993.

6. Captain James Molinari of the Police Department advises that fact finding hearings on the proposed legislation were held before the Police Commission on May 25, 1993 and June 1, 1993. Based on the findings of fact from these hearings, an Amendment to the Whole on the proposed legislation was drafted by the Police Department. This amended legislation was adopted by the Police Commission on September 15, 1993. The Police Department's amended legislation deletes the provision which would require the Police Department to conduct annual inspections of taxicabs and modifies other provisions as follows:

(1).Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall complete a driver training course, which shall consist of classes on the following subjects: crime prevention, vehicular safety, passenger relations, taxicab rules and regulations, the California Motor Vehicle Code, and any other subject the Chief of Police may determine is relevant to the public health and safety (no length of time is specified for this course) . The course may be offered by the Police Department or any other entity the Chief of Police may approve. Within 120 days (as opposed to the 60 days specified in the proposed legislation) of the effective date of this ordinance, the Chief of Police shall adopt regulations setting forth the required course length and content.

(2). Section 1147.2 would provide that within 60 days of the effective date of this ordinance, all new vehicles placed into service as a taxicab must be equipped with automatic door locks (as opposed to the 180 days specified in the proposed legislation). Additionally, within 120 days of the effective date of this ordinance (as opposed to the 180 days specified in the proposed legislation), all taxicab color scheme companies, whereby ten or more taxicabs are permitted to operate, shall insure that a minimum of 25 percent of such permitted taxicabs are equipped with safety partitions. Under the existing proposed legislation, any person, firm or corporation holding a taxicab permit must install a retractable safety partition in each of its taxicabs.



**Recommendation**

Approval of the proposed ordinance is a policy decision for the Board of Supervisors.





Item 3 - File 174-93-8

1. The proposed resolution would establish a task force to study possible options for the reform of prostitution laws in San Francisco. The task force would include representatives from neighborhood groups, law enforcement agencies, public health agencies, social service agencies, City departments and commissions, women's rights advocates, and immigrant and prostitute rights groups.

2. The proposed resolution states that (1) San Francisco residents, business owners and neighborhood organizations have expressed legitimate concerns about the impact of prostitution on the community, (2) the criminal nature of prostitution has led to widespread beatings and the victimization of prostitutes and has attracted crime and violence to San Francisco, (3) the continuing economic recession, lack of police resources and overcrowding in the City jails makes it difficult, if not impossible, to deal with prostitution as a traditional law enforcement issue, and (4) the issue of prostitution is complex and involves social, economic, and legal factors.

3. The proposed resolution would establish a Task Force consisting of 18 members. The following 11 members would be appointed by the Board of Supervisors: (a) three members representing diverse prostitute populations and advocacy groups, (b) two members representing AIDS/HIV prevention and education with experience in outreach to prostitute populations (one each from the Asian AIDS Project and Project Aware), (c) one member representing the Center for Southeast Asian Refugee Resettlement, (d) one member representing Larkin Street Youth Center, (e) two members representing neighborhood groups (one each from Save Our Streets and Mission District Residents for Safer Streets), (f) one member representing the National Organization for Women (NOW), and (g) one member representing the National Lawyers' Guild. The remaining seven members would include one representative selected by the department head of each of the following City Departments: the Police Department, the Department of Public Health, the Public Defender's Office, the District Attorney's Office, the Mayor's Office, the City Attorney's Office and the Commission on the Status of Women.

4. Duties and responsibilities of the Task Force would include (1) conducting a comparative study of current prostitution laws and regulations in other cities in the United States and internationally, (2) exploring all options for reform of laws, social services and law enforcement practices with respect to prostitution, (3) submitting an initial progress report to the Board of Supervisors six months after the Task Force's inception, and (4) providing a written report of the Task Force's recommendations to the Board of Supervisors one year from the date of the Task Force's initial meeting. The Task Force would be automatically dissolved upon the Board of Supervisors receipt of this report.

5. The Task Force members would serve without compensation. According to the sponsor of this legislation, other than the time required by

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

the participation of the City department representatives, it is not anticipated that the duties and responsibilities of the Task Force will result in any additional costs to the City.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Items 4, 5, 6 and 7 - Files 118-93-7, 12-93-34, 13-93-41, 30-93-17

- Item 4: Hearing to consider legalizing the medicinal uses of marijuana (File 118-93-7).
- Item 5: Resolution directing the State Legislative Representative to support the passage of an amendment to State law permitting the cultivation and possession of marijuana for medicinal use (File 12-93-34).
- Item 6: Resolution directing the Federal Legislative Representative to urge the Attorney General and the U. S. Secretary of Health and Human Services to reclassify marijuana on the schedule of controlled substances so that physicians may prescribe marijuana for medical purposes and, in the event this effort fails, to lobby for the enactment of a change in Federal law to remove marijuana as a Schedule I controlled substance so that physicians may prescribe marijuana for appropriate medicinal use (File 13-93-41).
- Item 7: Resolution urging the Mayor to urge the Health Commission to direct Department of Public Health staff to address the issue of the medical use of marijuana (a) in the master plan in order to reduce drug and alcohol problems and (b) in other planning activities involving substance abuse and HIV (30-93-17).

1. According to Dr. Wayne Clark of the Department of Public Health (DPH), although there has been little Federal research on the use of marijuana, other scientific literature supports the use of tetrahydrocannabinol (THC), the chemical agent in marijuana, as an anti-nausea, appetite enhancing agent. Scientific literature also indicates that THC alleviates pressure behind the eyes in glaucoma patients.

2. The proposed resolution (File 12-93-34) would direct the State Legislative Representative to support the passage of an amendment to State law permitting the cultivation and possession of marijuana for medicinal use. According to Mr. Bob Podesta of the District Attorney's Office, under California State law, possession of less than one ounce of marijuana for personal use is a misdemeanor with a maximum fine of \$100. Mr. Podesta advises that persons accused of misdemeanors are entitled to a trial by jury. Since jury trials are expensive, and since the maximum fine for possession is \$100, the District Attorney does not prosecute for personal possession of less than one ounce of marijuana.

3. Mr. Podesta advises that the State Legislature had the option of making possession of less than one ounce of marijuana an infraction, punishable by a \$100 fine. Persons accused of infractions are not entitled to jury trials. If possession of less than one ounce of marijuana were an infraction and not a misdemeanor, then individuals would be routinely prosecuted for such possession. According to Mr. Podesta, the intent of the State Legislature in classifying possession of less than one ounce of marijuana as a misdemeanor was to stop the prosecution of individuals for possession of less than one ounce of marijuana.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

4. According to Mr. Podesta, cultivation of marijuana is different from possession of marijuana under State law. California Health and Safety Code Section 1158 provides that "every person who plants, cultivates, harvests, dries or processes any marijuana or any part thereof" commits a felony and may be punished by imprisonment in State prison. Mr. Podesta advises that, as State law is currently written, the crime of cultivation of marijuana, regardless of the amount, cannot be reduced from a felony to a misdemeanor. Therefore, cultivation of marijuana in any amount, if it comes to the attention of the Police Department or the District Attorney, must be tried and prosecuted as a felony.

5. According to the Police Department, it would be difficult to identify situations involving possession and cultivation of marijuana for profit or other reasons versus medicinal use.

6. The Board of Supervisors previously approved a resolution urging the Mayor to urge the Police Commission and the District Attorney not to arrest or prosecute those involved in the personal possession of marijuana for medicinal purposes, and instructing the City's representative in Sacramento to lobby the State Legislature and the California Medical Association for a State Medical Hemp Bill (File 285-92-1).

7. The proposed resolution (13-93-41) would direct the City's Federal Legislative representative to urge the Attorney General and the Secretary of Health and Human Services to reclassify marijuana on the schedule of controlled substances so that physicians may prescribe marijuana for medical purposes. In the event that this effort fails, the proposed resolution urges the Federal Legislative Representative to lobby for the enactment of a change in Federal law to remove marijuana as a Schedule I controlled substance so that physicians may prescribe marijuana for appropriate medicinal use. Schedule I controlled substances may not be prescribed by physicians for medicinal use.

8. The San Francisco electorate previously approved a proposition (Proposition P, November 1991) making it City policy to recommend that the State of California and the California Medical Association restore hemp medical preparations to the list of available medicines.

9. Current law allows physicians to prescribe THC (marijuana's active chemical agent) in oral form, Dr. Clark advises. However, according to Dr. Clark, physicians may not prescribe THC in smokable form, such as marijuana. THC in oral form has a very high potency, and acts as a sedative.

10. According to Dr. Clark, from 1980 to 1989, a California law allowed physicians to prescribe smokable marijuana for certain medical purposes. Such marijuana was provided by the Federal Public Health Service. According to Dr. Clark, the Federal Public Health Service no longer provides marijuana.

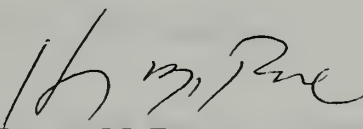


11. Dr. Clark advises that the Department of Public Health (DPH) recognizes that smokable marijuana has a beneficial medicinal effect for some illnesses. However, Dr. Clark reports that the Health Department is concerned with the violence associated with marijuana sales in public spaces, such as parks. In addition, according to Dr. Clark, the DPH is not in favor of smoking products, due to the clear link between smoking and other illnesses. Finally, Dr. Clark advises that quality control of illicit marijuana is of concern to the DPH, in that illicit marijuana is often contaminated with other substances, such as pesticides, and may also be laced with other drugs.

12. The proposed resolution would urge the Mayor to urge the Health Commission to direct Department of Public Health staff to address the issue of the medical use of marijuana (a) in the master plan in order to reduce drug and alcohol problems and (b) in other planning activities involving substance abuse and HIV (File 30-93-17). As of the writing of this report, the DPH was unable to provide information regarding the status of its efforts to address the issue of the medical use of marijuana in its master plan or in other planning activities regarding substance abuse.

### **Recommendations**

Approval of the proposed resolutions is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Robert Oakes  
Ted Lakey

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**





NOV 12 1993

SAN FRANCISCO  
PUBLIC LIBRARY**CALENDAR** - *Actions Taken***MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**TUESDAY, NOVEMBER 9, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR LEAL - ITEM 1

CLERK: GAIL JOHNSON

1. File 121-92-11. [Protection of Public Health and Safety in Taxicab Service] Ordinance amending Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) by adding Sections 1147 through 1147.6 requiring training for taxicab drivers, installation of safety equipment in taxicabs, and compliance with California Workers' Compensation Statutes and regulations. (Supervisors Shelley, Gonzalez, Alioto, Hallinan, Migden, Bierman)  
(FISCAL IMPACT)

(Continued from 10/26/93)

ACTION: Hearing held. Continued to November 23, 1993, meeting.

2. File 309-93-1. [Environment Commission, Status of Work] Hearing to consider the status of the work of the Environment Commission. (Supervisor Shelley)

ACTION: Hearing held. Continued to the Call of the Chair.

3. File 174-93-8. [Task Force on Prostitution] Resolution establishing a task force of the Board of Supervisors to study possible options for reform of prostitution laws in San Francisco which shall include representatives from neighborhood groups, law enforcement agencies, public health agencies, social service agencies, City departments and commissions, women's rights advocates and immigrant and prostitute rights groups. (Supervisor Hallinan)

ACTION: Hearing held. Amendment of the Whole, as presented by Supervisor Hallinan, adopted. Recommended as amended. New title: "Establishing a task force on prostitution to make recommendations to the Board of Supervisors on legislation and policy reform as related to the City's prostitution laws and policies, and shall include representatives from the Mayor's office, neighborhood groups, law enforcement agencies, public health agencies, social service agencies, City departments and commissions, women's rights advocates and immigrant and prostitute rights groups."

4. File 118-93-7. Hearing to consider legalizing the medicinal uses of marijuana. (Supervisor Alioto)

ACTION: Hearing held. Filed.

5. File 12-93-34. [Marijuana, Medical Use of, Urge State Legislation] Resolution directing the State Legislative Representative to support the passage of an amendment to State law permitting the cultivation and possession of marijuana for medicinal use. (Supervisors Alioto, Hallinan)

ACTION: Hearing held. Recommended.

6. File 13-93-41. [Marijuana, Medical Use, Urge Federal Legislation] Resolution directing the Federal Legislative Representative to urge the Attorney General and the Secretary of Health and Human Services to reclassify marijuana on the schedule of controlled substances so that physicians may prescribe marijuana for medical purposes and, in the event this effort fails, to lobby for the enactment of a change in Federal law to remove marijuana as a Schedule I controlled substance so that physicians may prescribe marijuana for appropriate medicinal use. (Supervisors Alioto, Hallinan)

ACTION: Hearing held. Recommended.

7. File 30-93-17. [Marijuana, Medical Use, Health Master Plan] Resolution urging the Mayor to urge the Health Commission to direct Department of Public Health Staff to address the issue of the medical use of marijuana in the master plan to reduce drug and alcohol problems and in other planning activities involving substance abuse and HIV. (Supervisors Alioto, Hallinan)

ACTION: Hearing held. Recommended.



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## BOARD OF SUPERVISORS

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November 19, 1993

**TO:** // Health, Public Safety and Environment Committee  
**FROM:** // Budget Analyst  
**SUBJECT:** November 23, 1993 Health, Public Safety and Environment Committee Meeting

### Item 1 File 97-93-54

**Department:** Commission on San Francisco's Environment

**Item:** Ordinance amending Administrative Code Section 5.150 of Chapter 5, Article XVI, to include an ex-officio member from the Health Department on the Commission on San Francisco's Environment.

**Description:** Presently, the Commission on San Francisco's Environment has three ex officio, non-voting members. One member is appointed by the Mayor, one member is appointed by the Chief Administrative Officer, and one member is appointed by the Director of City Planning.

The proposed resolution would amend Administrative Code Section 5.150 to add one new ex officio member from the Health Department, to be appointed by the Director of Public Health, bringing the total number of ex officio members to four.

**Comments:** 1. According to Mr. Bill Lee of the Department of Public Health, a fourth ex officio member (from the Health Department), is proposed to be added to the Commission on San Francisco's Environment because the Health Department

Memo to Health, Public Safety and Environment  
November 17, 1993

is responsible for enforcing hazardous waste laws which are relevant to the duties of the Commission.

2. According to Mr. Lee, there will be no compensation given to the individual chosen as an ex officio member, nor are any of the existing members of the Commission compensated.

3. Mr. Lee advises that administrative expenses associated with the Commission have been paid mostly on an individual basis by members, with limited support by the Department of Public Health.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 2 - File 30-93-20

1. The following item is a hearing to consider the findings and recommendations of the Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report.

2. In December of 1990, the Board of Supervisors approved an ordinance adding provisions to the Health Code relating to Video Display Terminal (VDT) worker safety and equipment standards. The ordinance provides for minimum standards on VDT workstation equipment, and requires the purchase or retrofitting of VDT workstations with proper equipment and to implement worker safety education programs for VDT operators. The ordinance also provides for the appointment of a VDT Advisory Committee, which would be responsible for review of proposed rules and regulations pursuant to the implementation of the VDT ordinance, recommending to the Board of Supervisors appropriate amendments to the VDT ordinance, and keeping the Board of Supervisors informed of developments concerning VDT laws and regulations implemented by the State of California and the State's Occupational Safety and Health Administration.

The San Francisco VDT Advisory Committee is a seven member committee appointed as follows: Two members are appointed by the San Francisco Chamber of Commerce, one member is appointed by the Small Business Advisory Committee, three members are appointed by the San Francisco Central Labor Council and one member is appointed by the Mayor. According to Dr. Julia Faucett of the VDT Advisory Committee, members are not compensated for being on the Committee. Dr. Faucett states that administrative support costs for the Committee are provided on a limited basis by the Department of Public Health (DPH) out of the existing DPH budget.

3. The Committee's recommendations and the associated estimated costs to the City of these recommendations, as contained in the VDT Advisory Committee's 1993 Annual Report are as follows:

Recommendation 1 – City Attorney's Office shall amend the language of the ordinance to require VDT training to be effective and have means to evaluate effectiveness of the training.

Cost Estimate: According to the VDT Advisory Committee Annual Report, since the DPH training regulations (which were updated since the recommendation was made in April 1993) have already addressed effectiveness, this recommendation as it is written does not need to be implemented. There would be no additional cost for this recommendation.

Recommendation 2 – City's Attorney Office shall amend ordinance to use oral and written material appropriate to the educational level, literacy and language of the employee.



According to Dr. Faucett, this recommendation is intended to insure that the VDT ordinance is written to require that VDT training material is written to reflect the educational level of the targeted population that would receive VDT training.

Cost Estimate: According to the VDT Advisory Committee Annual Report, since this recommendation has been addressed in the DPH Training regulations (which were updated since the recommendation was made in April 1993), this recommendation does not need to be implemented. There would be no additional cost for this recommendation.

Recommendation 3 – Require DPH training to include the latest information on radiation emissions and electromagnetic fields (associated with VDT use) including a summary of remedies for reducing exposure as follows:

- 1) Increasing distance between users and backs and sides of terminals.
- 2) Increasing the distance between users and their screens.
- 3) Information about shielding and availability of low emission terminals.

Cost Estimate: According to the VDT Advisory Committee Annual Report, the time needed to include this information in DPH training will be provided by the Health Educator listed in Recommendation 5. No other funding will be needed.

Recommendation 4 – Emphasize the importance of frequent breaks from VDT operation as an alternative to a 15 minute break every 2 hours. Provide a minimum of three minute breaks every hour.

Cost Estimate: According to the VDT Advisory Committee Annual Report, if VDT operators divide their 15 minute break every two hours into smaller hourly breaks (without exceeding 15 minutes every two hours), there will be no additional costs to the City. Costs for emphasizing the importance of frequent 3 minute breaks during training would be provided by the Health Educator listed in Recommendation 5. No other funding is needed.

Recommendation 5 – The Board of Supervisors ensures that DPH has sufficient resources for enforcement and to support the Committee.

According to the VDT Advisory Committee Annual Report, the DPH was denied a request of funds for one Senior Industrial Hygienist, one part-time Secretary and administrative support costs totaling \$108,133 in the 1992-93 DPH budget. The VDT Advisory Committee Annual Reports states that in addition to the above-mentioned funds, one half-time Health Educator at an annual cost of \$30,000 is needed to provide VDT training.

Cost Estimate: \$138,133 annually as noted above.

Recommendation 6 – The Board of Supervisors supports Federal and State efforts to adopt VDT and ergonomic standards.

**Cost Estimate:** According to Dr. Faucett of the VDT Advisory Committee, costs for supporting these regulations would be minimal, and would be absorbed by the City's existing budget.

**Recommendation 7** – Board of Supervisors urges the City to support research about general health effects of VDT work.

**Cost Estimate:** According to Dr. Faucett of the VDT Advisory Committee, costs for supporting VDT research would be minimal, and would be absorbed by the City's existing budget.

**Recommendation 8** – Board of Supervisors directs DPH to collect appropriate educational material to assist departments and employers in implementing training programs.

**Cost Estimate:** According to the VDT Advisory Committee Annual Report, an additional five percent of DPH Health Educator's time (\$3,000 annually - based on 5 percent of \$60,000), and \$2,500 a year for the acquisition of materials, would be required. Total costs: \$5,500 annually.

**Recommendation 9** – Board of Supervisors directs DPH to establish data base to track effectiveness of the ordinance and allocate sufficient resources.

**Cost Estimate:** According to the VDT Advisory Committee Annual Report, the time needed to accumulate the data will be provided by the Senior Industrial Hygienist listed in Recommendation 5. No other funding will be needed.

**Recommendation 10** – Board of Supervisors encourages the City to provide VDT operators with regular vision care.

**Estimated Cost:** 3,000 employees (the DPH estimate of the number of City workers operating VDT's more than four hours a day) x \$1.25 per month (estimate by VDT Advisory Committee of the increase in monthly premiums) x 12 months = \$45,000 per year.

4. According to the VDT Advisory Committee Annual Report, the total cost to the City to implement the above-mentioned recommendations, is as follows:

Recommendation #5	\$138,133
Recommendation #8	5,500
Recommendation #10	<u>45,000</u>
Total Costs	\$188,633

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**





Item 3 - File 121-92-11

**Note:** This item was continued by the Health, Public Safety & Environment Committee at its meeting of November 9, 1993.

1. The proposed ordinance would amend Chapter VIII, Part II of the Police Code by adding new Sections 1147 through 1147.6, which would require (1) training for taxicab drivers, (2) installation of safety equipment in taxicabs, and (3) compliance with California Workers' Compensation statutes and regulations.

2. Under the proposed ordinance, Section 1147 states that the purpose of the Sections 1147 through 1147.6 is to require that all persons, firms or corporations holding taxicab permits, and all persons applying for driver's permits, take steps to improve taxicab services to the public and to protect the public health and safety when providing such services.

3. Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall certify that they have successfully completed a driver training course. Such training courses must include a minimum of 16 hours and include instruction on crime prevention, vehicle safety, public relations, the geography of San Francisco, taxicab rules and regulations, and the California Vehicle Code. The training course may be offered by the San Francisco Police Department, the San Francisco City College District or any other such entity that is approved by the Chief of Police.

4. Section 1147.2 would provide that within 180 days of the effective date of this proposed ordinance, all taxicab permit holders must (1) install automatic door locks that can be controlled by the driver, (2) ensure that the communications system in each taxicab allows for direct access to the dispatcher in emergencies, and (3) install a retractable safety partition in each taxicab that can be controlled by the driver. Additionally, within 60 days of the effective date of this ordinance, the Chief of Police shall set forth standards for safety partitions, which shall take into account crime prevention, passenger safety and comfort, and ease of communication between passenger and driver. Also within 60 days, the Chief of Police must establish standards and procedures for taxicab drivers and dispatchers to follow in an emergency and establish standards for automatic door locks.

5. Section 1147.3 would provide that the Chief of Police must conduct annual inspections of taxicabs to ensure that all safety equipment required under this proposed legislation is functioning properly. If it is determined, after inspection, that a taxicab lacks the required safety equipment or that the equipment is not functioning properly, the Chief of Police or his or her designee may order that the taxicab be removed from service until it has been re-inspected and certified that it is in compliance. Additionally, the Chief of Police shall hold an annual hearing to review (1) the taxicab permit holders' compliance with this proposed legislation, (2) the effectiveness of safety equipment and safety measure currently in effect, and (3) the need for further measures to reduce taxicab crime and to protect the public safety. At the conclusion of this hearing, the hearing officer shall make a written report to the Police Commission. Based on the findings of this report, the Chief of

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Police shall determine whether or not further regulations are needed to implement this proposed legislation. Additionally, the Chief of Police shall direct the appropriate Police Department personnel to compile and maintain statistics on taxicab crimes, to be submitted to the Police Commission and the Chief of Police in conjunction with the annual hearings mandated by this Section.

6. Section 1147.4 would stipulate that all persons, firms or corporations holding taxicab color scheme permits must comply with all State statutes concerning Worker's Compensation. Additionally, taxicab color scheme permit holders must include a sworn statement attesting to compliance with such statutes, as part of the annual permit filing process. Taxicab color scheme permit holders include taxicab companies, of which there are 32 in the City, which have a specific color scheme for their cabs (i.e., the Yellow Cab Company). Permit holders which are not color scheme holders are primarily individual taxicab drivers or very small companies which would not be subject to this provision.

7. Section 1147.5 states that by adopting this ordinance the City is only promoting the general welfare and is not assuming or imposing on the City's officers or employees an obligation, which if breached, would cause the City to be liable in money damages to any person who claimed such breach caused injury.

8. Section 1147.6 would provide that every person, firm or corporation holding a taxicab permit who violates any of the provisions of this proposed legislation shall be subject to disciplinary action pursuant to Section 1090 of the Police Code. Under Section 1090, violations are punishable by revocation or suspension of a permit.

### **Comments**

1. Officer Farrell Suslow of the Police Department reports that the Police Department is currently providing a once a week training course for approximately 20 to 25 taxicab drivers. Officer Suslow advises that the 3 1/2 to 4 hour course covers the following subject matter: (1) crime prevention, (2) vehicular safety, (3) taxicab rules and regulations and (4) the California Motor Vehicle Code. Officer Suslow states that the Department is proposing to expand the course to include passenger relations (i.e., awareness of passenger needs and concerns, particularly with respect to handicapped persons) and Airport rules and regulations as they pertain to taxicabs. Based on the inclusion of this additional subject matter, the course is expected to require approximately 6 hours to complete. According to Officer Suslow, the Department believes that the proposed expanded course will be sufficient to meet the training needs of the taxicab drivers in contrast to the 16-hour course proposed in the legislation. Officer Suslow advises that the cost for the Department's current training course is covered by the application fee paid by the taxicab drivers and therefore the City is fully reimbursed for its costs regarding the training course. Officer Suslow states that if the Department were required to expand their current training course to correspond to the 16-hour training course proposed in the legislation, the Department would probably incur some undetermined start-up costs, but that the on-going costs for such a training course could be passed on to the taxicab drivers through an increase in the application fee.



Such an increase in the application fee would require the approval of the Board of Supervisors.

2. Officer Suslow also advises that the Police Department currently does not provide on-site regular inspections for taxicabs. According to Officer Suslow if the Department were required to provide the safety inspections as proposed in this legislation, it would entail acquiring a facility in which to conduct the inspections, as well staff overtime to perform this function. As of the writing of this report, Officer Suslow was unable to provide a specific estimate of the additional cost that would be incurred by the Department for the use of a facility or for staff overtime. However, Officer Suslow adds that such increased costs could be passed on to the taxicab companies and/or the cab drivers through increases in the annual licensing fees. Such an increase in the annual licensing fees would require the approval of the Board of Supervisors.

3. Airport Police are currently responsible for a yearly inspection of taxicabs with regard to vehicular safety. Lieutenant Raoul Fanfelle of the Airport Police reports that if the Airport is required to include the inspection of the safety equipment outlined in the proposed legislation in its annual safety inspection of taxicabs, it would result in an undetermined amount of increased costs for staff training, inspection time and administrative processing. Lieutenant Fanfelle advises that the taxicab safety inspections and associated costs are paid for by Airport Ground Transportation Funds. The source of the Airport Ground Transportation Funds, is revenue generated from fees charged to taxicab companies which operate out of the Airport.

4. According to Officer Suslow, the Police Department would also incur an undetermined amount of overtime costs for (1) the establishment of standards for the proposed safety equipment (partitions and locks) and emergency procedures for taxicab drivers and dispatchers, (2) the compilation and maintenance of statistics on taxicab crime and (3) the proposed annual hearing to determine taxicab company compliance with the proposed legislation, the effectiveness of the safety equipment and the need for further measures to reduce taxicab crime.

5. Officer Suslow reports that depending on the level of ballistic quality, the installation of a safety partition in each cab could cost taxicab companies from \$450 to \$2,000 per vehicle. Mr. Nathan Dwiri, Manager of the Yellow Cab Company, estimates that it will cost approximately \$1,000 to install a safety partition in each cab. Officer Suslow estimated that automatic door locks would cost taxicab companies from \$100 to \$125 for installation per cab. Officer Suslow noted that late model automobiles have automatic locks already installed. Mr. Dwiri indicated that approximately one-third of his company's fleet of cabs will have automatic door locks by the end of 1993.

6. Captain James Molinari of the Police Department advises that fact finding hearings on the proposed legislation were held before the Police Commission on May 25, 1993 and June 1, 1993. Based on the findings of fact from these hearings, an Amendment to the Whole on the proposed legislation was drafted by the Police Department. This amended legislation was adopted by the Police Commission on

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September 15, 1993. The Police Department's amended legislation deletes the provision which would require the Police Department to conduct annual inspections of taxicabs and modifies other provisions as follows:

(1).Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall complete a driver training course, which shall consist of classes on the following subjects: crime prevention, vehicular safety, passenger relations, taxicab rules and regulations, the California Motor Vehicle Code, and any other subject the Chief of Police may determine is relevant to the public health and safety (no length of time is specified for this course) . The course may be offered by the Police Department or any other entity the Chief of Police may approve. Within 120 days (as opposed to the 60 days specified in the proposed legislation) of the effective date of this ordinance, the Chief of Police shall adopt regulations setting forth the required course length and content.

(2). Section 1147.2 would provide that within 60 days of the effective date of this ordinance, all new vehicles placed into service as a taxicab must be equipped with automatic door locks (as opposed to the 180 days specified in the proposed legislation). Additionally, within 120 days of the effective date of this ordinance (as opposed to the 180 days specified in the proposed legislation), all taxicab color scheme companies, whereby ten or more taxicabs are permitted to operate, shall insure that a minimum of 25 percent of such permitted taxicabs are equipped with safety partitions. Under the existing proposed legislation, any person, firm or corporation holding a taxicab permit must install a retractable safety partition in each of its taxicabs.

7. In addition to the above noted Amendment of the Whole, a second Amendment of the Whole has also been drafted. This amended legislation, which will be introduced at the Health, Public Safety and Environment Committee on November 23, 1993, deletes the provision which requires the Police Department to conduct annual inspections and modifies other provisions as follows:

(1) Section 1147.1 would provide that all new applicants for permits to drive taxicabs shall certify that they have successfully completed a driver training course. The recommended course length is 16 hours of classes, but the Chief of Police shall have the discretion to set a higher or lower requirement (as opposed to the specific course minimum of 16 hours specified in the proposed legislation).

(2) Section 1147.2 would provide that within 180 days of the effective date of this proposed ordinance, all taxicab color scheme permit holders operating 10 or more taxicabs (as opposed to all taxicab holders as specified in the proposed legislation) shall ensure that a minimum of 50 percent of their taxicabs (as opposed to all taxicabs as specified in the proposed legislation) are equipped with a retractable safety partition that is controlled by the driver and that forms a complete barrier between the front and rear seats. Additionally, the Chief of Police shall have the authority to establish as he or she deems necessary (as opposed to being required to establish in 60 days as specified in the proposed legislation) standards for safety partitions, standards and procedures for taxicab drivers and dispatchers to follow in an emergency, and standards for automatic door locks.

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**Recommendation**

Approval of the proposed ordinance is a policy decision for the Board of Supervisors.





Item 4 - File 30-93-19

**Department:** Department of Public Health (DPH)

**Item:** This item is a hearing to consider the Catastrophic Illness Ordinance and its administrative application by the Department of Public Health.

**Description** Sections 8.364 and 8.441 of the Charter provide that employees of the City may, under certain terms and conditions, individually transfer their unused accumulated sick leave and vested vacation allowance respectively to another employee of the City who (1) has been determined to be catastrophically ill, and (2) has exhausted his or her vacation allowance, sick leave and compensatory time off.

Section 16.9-29 of the Charter outlines the regulations and procedures under which sick leave and vacation credits can be transferred to catastrophically ill employees. Section 16.9-29 includes, in part, the following provisions:

1. In order to be declared catastrophically ill an employee must (1) have sustained a life-threatening illness or injury and (2) have already exhausted all available paid sick leave, vacation, compensatory and in-lieu time.

2. Any employee of the City who is eligible to accumulate and use sick leave and vacation credits, and who has been found to meet the definition of "catastrophically ill" may receive transfers of sick leave and vacation credits from other employees.

3. An employee must complete a prescribed application form and return it to the Department of Public Health (DPH) together with supporting medical documentation. The DPH is required to produce and maintain a sufficient quantity of the prescribed application forms for employee access and distribution.

4. The DPH or its designee is responsible for examining the documentation supporting the application. The DPH may ask the employee for further documentation and/or to submit to an examination by a physician that it designates to determine if in fact the applicant does suffer from a catastrophic illness. An employee's failure to comply with these requirements may be grounds for rejection of the application.

5. After the DPH makes its determination, it must notify the employee and the employee's department head. In the case of vacation leave transfers, the department head must agree to the determination.

6. In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required to (1) submit to a specified examination and/or (2) supply further documentation of current medical status, as is necessary in the opinion of the DPH, provided that such request must not be made for the purpose of harassing said employee.

7. If an employee is determined not to be catastrophically ill, the employee will have the right to appeal the decision through an administrative appeal process to be established by the Public Health Commission. The DPH must automatically provide the employee with a written letter setting forth the reasons for denial and the procedure for filing an administrative appeal. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying. The employee may in fact reapply after observing a 30-day wait period from the date of the initial denial.

8. All hours transferred must be credited as sick leave for the receiving employee. These hours must be treated as though they are the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, retirement, pay increments, and eligibility for holiday pay.

9. At the beginning of each pay period, a catastrophically ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

10. A catastrophically ill employee may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

11. A catastrophically ill employee may use transferred credits in a given pay period to the extent that when combined with compensation from the City and all other benefits from public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled hours for such a pay period (excluding regularly scheduled overtime and premium pay). A catastrophically ill employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for



exclusion from eligibility to receive sick leave and vacation transfer credits.

12. If a catastrophically ill employee dies, retires, or resigns before having used all hours transferred, the unused hours will be divided equally among other catastrophically ill employees with sick leave balances of 40 hours or less, provided that no catastrophically ill employee will receive more than 40 hours under this procedure.

**Comments:**

1. According to Mr. Ed Gazzano of the DPH's Personnel Division, a total of 233 employees have participated in the catastrophically ill program since it was initiated in April, 1990. Currently, there are 49 employees that are active participants in the program.

2. According to the Charter, a catastrophic illness is defined as a life-threatening illness or injury. The Department of Public Health is primarily responsible, through an assigned physician, for approving or denying individual applications for determination of catastrophic illness. If an application is denied, the applicant can appeal the decision to the Director of the Department of Public Health. If this decision is still denied, such decision can be appealed to the Health Commission. Mr. Gazzano reports that, to date, there have been only two appeals to the Health Commission.

3. On December 16, 1991, a Task Force, that was established as part of the initial legislation, submitted a report to the Board of Supervisors concerning the status of the City's catastrophic illness program. The six-member Task Force included one representative from (1) an employee organization, (2) the Health Commission, (3) Civil Service, (4) retired employees, (5) the Employees Retirement System and (6) the public. The Task Force report included various recommendations for improvements to the City's catastrophic illness program.

4. Mr. Gazzano reports that a meeting was held in August, 1993 among the various City departments that are responsible for the administration of the City's catastrophically ill program, including the Civil Service, DPH, Employees Retirement System and the Controller's Office. According to Mr. Gazzano, discussion at this meeting focused on various aspects concerning coordination of this program. Mr. Gazzano notes that no specific recommendations regarding this program were developed at this meeting.





Item 5 - File 310-93-1

1. The proposed resolution would urge the District Attorney to discharge matrix citations with no evidentiary basis, and urge the Municipal Court to recall bench warrants where matrix citations have been discharged by the District Attorney.

2. The Police Department's Matrix Program has been operational for approximately three months. This Program focuses on quality of life offenses (i.e. aggressive panhandling, illegal encampments, public drunkenness and vandalism) in targeted areas of the City including the Civic Center area and Union Square. According to Commander Dennis Martel of the Police Department, the Program involves a combination of enforcement efforts by the Police Department and referrals to other City departments, such as the Department of Public Health and the Department of Social Services for appropriate service intervention.

3. According to the proposed legislation, in most instances where police enforcement is involved, the Police Officer does not make an arrest or cite the offender for a misdemeanor violation, but rather issues a citation for an infraction, which requires the person who has been charged to sign a promise to appear in court. The proposed legislation states that the failure to appear in court as promised, constitutes a separate offense, which can result in a bench warrant being issued. According to the proposed legislation, many of the persons cited for offenses under the Matrix Program will not appear or have failed to appear in court in compliance with these citations. The proposed legislation further states that some of these citations may have been issued without sufficient evidence to support a conviction.

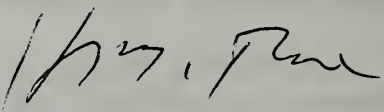
4. The proposed legislation would urge the District Attorney to (1) carefully examine all citations issued in connection with the Matrix Program for the purpose of ascertaining whether there is sufficient evidence to support a conviction and (2) discharge those citations (dismiss the charges) where it has been determined that there is not adequate evidence to support a conviction. Additionally, the proposed legislation would urge the Municipal Court to recall (withdraw) bench warrants that have been issued by the Court for all cases where such citations have been discharged by the District Attorney due to insufficient evidence to support a conviction and where the defendant shows good cause for failure to appear.

5. Ms. Terry Jackson of the District Attorney advises that the District Attorney believes that it is not possible for it to discharge citations issued under the Matrix Program as proposed under this legislation because (1) it is illegal for the District Attorney to selectively review and handle a specific category of cases and (2) the volume of infraction cases, which number in the thousands per month, would make it prohibitive for the District Attorney's existing staff to review all infraction citations. Ms. Jackson states furthermore, that in addition to the volume of cases, the fact that infractions do not require a police report, would also result in an increase in the District Attorney's workload because the District Attorney would have to interview the individual Police Officers who issued the citations in order to determine the criminal details of the case.

6. Mr. Gordon Park-Li of the Municipal Court reports that the presiding judge of the Municipal Court advises that the Court would be able to recall bench warrants in cases involving citations issued under the Matrix Program, if such cases were discharged by the District Attorney based on insufficient evidence to support a conviction and the defendant showed good cause for failure to appear. According to Mr. Park-Li, the Municipal Court would be able to absorb any costs associated with processing the recall of such bench warrants in its existing budget.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Robert Oakes  
Ted Lakey



CALENDAR

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, NOVEMBER 23, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR HALLINAN - ITEM 4 AND  
FOR VOTE ON ITEM 5

SUPERVISOR LEAL - ITEMS 1 AND 2

CLERK: GAIL JOHNSON

DOCUMENTS DEPT.

NOV 30 1993

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1. File 97-93-54. [Commission on San Francisco's Environment] Ordinance amending Administrative Code Section 5.150 to include an ex-officio member from the Health Department on the Commission on San Francisco's Environment. (Supervisor Shelley)

ACTION: Hearing held. Recommended.

2. File 30-93-20. [Video Display Terminal Annual Report] Hearing to consider the findings and recommendations of the Video Display Terminal Worker Safety Advisory Committee's 1993 Annual Report. (Supervisor Alioto)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

3. File 121-92-11. [Protection of Public Health and Safety in Taxicab Service] Ordinance amending Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) by adding Sections 1147 through 1147.6 requiring training for taxicab drivers, installation of safety equipment in taxicabs, and compliance with California Workers' Compensation Statutes and regulations. (Supervisors Shelley, Gonzalez, Alioto, Hallinan, Migden, Bierman)

(FISCAL IMPACT)

(Continued from 11/9/93)

ACTION: Amendment of the Whole bearing same title, as presented by Supervisor Shelley, adopted. Amended (see file for details). Recommended as amended. Transferred to Budget Committee for review and consideration.

4. File 30-93-19. [Catastrophic Illness] Hearing to consider the Catastrophic Illness Ordinance and its administrative application by the Department of Public Health. (Supervisor Shelley)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

5. File 310-93-1. [Matrix Citations] Resolution urging the District Attorney to discharge matrix citations with no evidentiary basis, and urging the Municipal Court to recall bench warrants where matrix citations have been discharged by the District Attorney. (Supervisors Hallinan, Alioto, Bierman)

ACTION: Hearing held. Consideration continued to December 14, 1993, meeting.

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11/4/93  
CITY AND COUNTY



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OF SAN FRANCISCO  
ATTN: Jane Judson

DOCUMENTS DEPT.  
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## BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

December 10, 1993

TO: // Health, Public Safety and Environment Committee

FROM: // Budget Analyst

SUBJECT: December 14, 1993 Health, Public Safety and Environment Committee Meeting

### Item 1 - File 207-93-21

1. The proposed resolution would urge the Mayor to re-direct Police activities from enforcement of quality of life infractions to serious criminal activity and to develop a comprehensive homeless plan.

2. The Police Department's Matrix Program has been operational for approximately three months. This Program focuses on offenses pertaining to aggressive panhandling, illegal encampments, public drunkenness and vandalism in targeted areas of the City including the Civic Center area and Union Square. According to Commander Dennis Martel of the Police Department, the Program involves a combination of enforcement efforts by the Police Department and referrals to other City departments, such as the Department of Public Health and the Department of Social Services for appropriate service intervention.

3. According to the proposed legislation, from August 1, 1993 through October 31, 1993, the Police Department cited approximately 3,000 persons with quality of life violations. Lt. Carlson of the Police Department's Field Operations Division advises that none of these citations involved a full arrest or required a court appearance by the Police Officer but instead involved issuing a ticket or a warning. Lt. Carlson reports that such citations take approximately 45 minutes of a Police Officer's time. Thus, at \$30.17 an hour for a Police Officer's salary and fringe benefits, each citation costs the Police Department approximately \$23.

Assuming all of the 3,000 quality of life citations from August 1, 1993 through October 31, 1993 were associated with the Matrix Program, the Police Department spent approximately \$69,000 (3,000 citations x \$23) on Matrix Program related citations for those three months. If the Police Department



continues to cite persons at the same rate for the remaining nine months of the fiscal year, the annual cost would be approximately \$276,000 to cite persons under the Matrix Program. As of the writing of this report, the Police Department was unable to report the number of full arrests associated with the Matrix Program.

4. Based on the 3,000 citations between August 1, 1993 through October 31, 1993, if the Police Department diverted resources from the Matrix Program to serious criminal activity as the proposed resolution urges, the Police Department would be able to redirect approximately 9,000 hours annually of Police Officer time from the Matrix Program to other programs.

5. The proposed resolution also urges the Mayor to develop a comprehensive plan to address the homeless problem in San Francisco and to utilize funds currently being spent to enforce the Matrix Program to assist in funding a program to reduce homelessness. Beyond the time spent by the Police Department enforcing the Matrix Program violations, the Department of Social Services (DSS) sends outreach teams of two of its Social Workers and two Mental Health Workers from the Department of Public Health (DPH) to do outreach in areas where the Police Department intends to conduct Matrix Program activities. In addition, 1.5 FTE DSS Eligibility Workers provide financial services to homeless persons identified in the Matrix outreach. The goals of this outreach program are to: (1) encourage homeless individuals to temporarily stay in the Mission Hotel while DSS helps them find permanent housing; (2) advise them of other social and health related services; and (3) help them apply for financial services including the Direct Rent Program. The Direct Rent Program deducts a General Assistance (GA) recipient's rent from their GA payment and pays the rent to the landlord directly.

Ms. Sally Kipper of the DSS reports that the monthly cost for salary and fringe benefits of the two FTE Social Workers and 1.5 FTE Eligibility Workers is \$13,200. DSS pays \$9 a night per bed at the Mission Hotel or a maximum of \$9,800 per month if all of the 35 beds reserved for the Matrix Program are used. Thus, the total monthly cost to DSS of the Matrix Program is estimated at \$23,000 (\$13,200 plus \$9,800) or \$276,000 annually. DSS does not incur costs for a Matrix arrest.

6. According to Mr. Larry Doyle of the DPH, the annual salaries and fringe benefits of the two Mental Health Workers that primarily work in the Matrix outreach teams is \$121,605.

7. According to the proposed legislation, fewer than five percent of those persons cited for quality of life violations actually appeared in court. According to Mr. Gordon Park-Li of the Municipal Court, 17 persons cited for Matrix Program type violations paid the fines which range from \$76 to \$154 depending on the citation and 14 cases were dismissed. A defendant's failure to either pay the fine or to appear before a court will result in an increase in arrest warrants which, according to the proposed legislation, would result in a further increase in jail overcrowding. The proposed legislation reports and Mr. Park-Li concurs that the

Memo to Health and Public Safety Committee  
December 14, 1993 Health and Public Safety Committee Meeting

City has already paid approximately \$572,400 in court-ordered fines because of jail overcrowding in 1993.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.





Item 2 - File 310-93-1

**Note:** This item was continued from November 23, 1993 Health, Public Safety and Environment Committee meeting.

1. The proposed resolution would urge the District Attorney to discharge matrix citations with no evidentiary basis, and urge the Municipal Court to recall bench warrants where matrix citations have been discharged by the District Attorney.

2. The Police Department's Matrix Program has been operational for approximately three months. This Program focuses on quality of life offenses (i.e. aggressive panhandling, illegal encampments, public drunkenness and vandalism) in targeted areas of the City including the Civic Center area and Union Square. According to Commander Dennis Martel of the Police Department, the Program involves a combination of enforcement efforts by the Police Department and referrals to other City departments, such as the Department of Public Health and the Department of Social Services for appropriate service intervention.

3. According to the proposed legislation, in most instances where police enforcement is involved, the Police Officer does not make an arrest or cite the offender for a misdemeanor violation, but rather issues a citation for an infraction, which requires the person who has been charged to sign a promise to appear in court. The proposed legislation states that the failure to appear in court as promised, constitutes a separate offense, which can result in a bench warrant being issued. According to the proposed legislation, many of the persons cited for offenses under the Matrix Program will not appear or have failed to appear in court in compliance with these citations. The proposed legislation further states that some of these citations may have been issued without sufficient evidence to support a conviction.

4. The proposed legislation would urge the District Attorney to (1) carefully examine all citations issued in connection with the Matrix Program for the purpose of ascertaining whether there is sufficient evidence to support a conviction and (2) discharge those citations (dismiss the charges) where it has been determined that there is not adequate evidence to support a conviction. Additionally, the proposed legislation would urge the Municipal Court to recall (withdraw) bench warrants that have been issued by the Court for all cases where such citations have been discharged by the District Attorney due to insufficient evidence to support a conviction and where the defendant shows good cause for failure to appear.

5. Ms. Terry Jackson of the District Attorney advises that the District Attorney believes that it is not possible for it to discharge citations issued under the Matrix Program as proposed under this legislation because (1) it is illegal for the District Attorney to selectively review and handle a specific category of cases and (2) the volume of infraction cases, which number in the thousands per month, would make it prohibitive for the District Attorney's existing staff to review all infraction citations. Ms. Jackson states furthermore, that in addition to the volume of cases, the fact that infractions do not require a police report, would also result in an

increase in the District Attorney's workload because the District Attorney would have to interview the individual Police Officers who issued the citations in order to determine the criminal details of the case.

6. Mr. Gordon Park-Li of the Municipal Court reports that the presiding judge of the Municipal Court advises that the Court would be able to recall bench warrants in cases involving citations issued under the Matrix Program, if such cases were discharged by the District Attorney based on insufficient evidence to support a conviction and the defendant showed good cause for failure to appear. According to Mr. Park-Li, the Municipal Court would be able to absorb any costs associated with processing the recall of such bench warrants in its existing budget.

### **Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Item 3 - File 207-93-20

1. The proposed draft resolution would request that the District Attorney investigate possible violation of civil, police and various department policy orders in connection with the recent confiscation of shopping carts and would request that the Police Department issue a statement clarifying its policy regarding cessation of confiscation of shopping carts.

2. The proposed draft resolution would request that the District Attorney investigate the possible violations by the Police Department of California Civil Code Section 2080, Police Code Section 1404, Police Department Order Q-1, and a Department of Public Works (DPW) policy, in connection with the recent confiscation of shopping carts from homeless persons. California Civil Code Section 2080 provides that any person who finds and takes possession of any money, goods, or other personal property must, within a reasonable time, inform the owner, if known, and make restitution. Police Code Section 1404 outlines regulations regarding the Police Department's disposal of property which has been confiscated. Police Department Order Q-1 establishes procedures for the booking of property confiscated by Police personnel. The DPW policy in question, involves the removal of debris belonging to persons living outdoors.

3. Mr. Robert Podesta of the District Attorney's Office advises that California Civil Code Section 2080 and Police Code Section 1404 are not penal codes and, as such, violation of these Code Sections does not constitute a criminal action. Mr. Podesta also notes that the Police Department Order Q-1 and the DPW policy involving the removal of debris belonging to persons living outdoors represent internal departmental policies which also would not carry any criminal penalty if violated. As of the writing of this report, the District Attorney was unable to provide an estimate of what it would cost the Department to conduct the proposed investigation.

4. Deputy Chief Frank Reed of the Police Department advises that the Police Department has no specific comment, as of the writing of this report, regarding this proposed legislation. Attached is a Police Department bulletin, issued on November 19, 1993, which outlines the Police Department's internal guidelines regarding the confiscation of shopping carts. Deputy Chief Reed states that the Police Department will have a representative at the Health, Public Safety and Environment Committee on December 14, 1993 to provide information and answer any questions on this subject matter.

**Comment**

The proposed draft resolution has not been approved as to form by the City Attorney's Office.

**Recommendation**

Approval of the proposed draft resolution is a policy matter for the Board of Supervisors.



**DEPARTMENT BULLETIN**

93-281

11/19/93

**GUIDELINES FOR SHOPPING CART CONFISCATION**

Officers shall adhere to the following guidelines for confiscating shopping carts:

- **ARRESTED INDIVIDUAL.** When an individual is arrested and in possession of a shopping cart, confiscate the cart and appropriately book any personal property.
- **CITED INDIVIDUAL.** When an individual is cited and in possession of a shopping cart, confiscate the cart if accommodation can be made for the individual's property, that is, the person's ability to carry, store, or secure the property.
- **ABANDONED CARTS.** Confiscate abandoned carts. Book any property in the cart (1) if the property can be readily identifiable by serial number, name sewn in, or if clear markings are apparent, or (2) if the property has significant value, for example, items such as a sleeping bag in good condition, luggage, or articles of clothing. Dispose of other property abandoned in public places.

In all the above cases, DPW, SFPD Property Control, or store collection agencies can remove the cart. Note in your incident report that you confiscated the cart when you have made an arrest or issued a citation. Do not charge the suspect with 496 PC unless extreme circumstances so dictate.

Officers shall not take enforcement action or confiscate shopping carts when individuals are not violating any other law.

ANTHONY D. RIBERA  
Chief of Police

Item 4 - File 207-93-23

This item is a hearing to consider the Budget Analyst's report on the costs of the Matrix Program.

On November 26, 1993, the Budget Analyst issued a report to the Board of Supervisors regarding the costs to the Department of Social Services, the Sheriff's Department and the Police Department of one Matrix Program arrest. As detailed in this report, the cost to the City to arrest someone under the Matrix Program is between \$226 to \$584 depending on whether the individual is held in custody or cited and released. These costs do not include the non-arrest costs, such as the \$276,000 annually for the Department of Social Services to provide outreach services and approximately \$23 for the Police Department to cite, but not arrest and detain an individual under the Matrix Program.





Item 5 - File 207-93-13

**Note:** This item was continued at the August 31, 1993, meeting of the Health, Public Safety, and the Environment Committee.

1. This item is a hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors' various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident.

2. The San Francisco Police Department's Communications Control Center is designated as the Public Safety Answering Point (PSAP) for 911 emergency calls in the City and County of San Francisco. PSAP operators (call evaluators), receiving 911 bona-fide emergency calls, transfer such calls to police dispatchers, or to call evaluators at the Health Department or the Fire Department. The 911 Emergency Telephone System is one part of a three component process that delivers emergency assistance services to the public. The other two components are the dispatch systems for each of the services and their respective service delivery units. The major functions performed in the Police Department's Communications Center are as follows:

- Receiving 911 calls
- Requesting translation services, when required
- Evaluating 911 calls
- Transferring 911 calls to the proper agency
- Dispatching police units in response to 911 calls
- Receiving police non-emergency calls via 553-0123
- Evaluating 553-0123 calls
- Transferring non-emergency calls to other agencies, when appropriate
- Dispatching police units in response to 553-0123 calls
- Recording 911 emergency calls and police radio communications

3. The Board of Supervisors approved six resolutions concerning the 911 emergency system in February of 1993. Those resolutions were as follows:

- File 207-92-11. Urging the Mayor to authorize sufficient funding in the FY 1993-94 Police Department budget to fully staff the Communications Center;
- File 207-92-11.2. Urging the Mayor to institute the civilianization of the supervisorial positions in the Police Department Communications Center.
- File 207-92-11.3. Urging the Mayor to institute a public education program to inform the public of the proper use of 911.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Health, Public Safety and Environment Committee  
December 14, 1993, Health, Public Safety and Environment Committee Meeting

- File 207-92-11.4. Urging the Mayor to establish response-time goals for the 911 and non-emergency lines.
- File 207-92-11.5. Urging the Mayor to develop a program to reduce dispatcher injuries and illnesses and to maintain staffing at authorized levels.
- File 207-92-11.6. Urging the Mayor to find alternatives to installing an automated attendant system on the non-emergency line.

4. The Police Department has provided the Budget Analyst with an update of the status of the Department's responses to the six previous resolutions and to issues concerning the 911 emergency system raised at the August 31, 1993 meeting, addressed in paragraphs 6, 7, and 8 below, in a memorandum dated December 10, 1993. The memorandum is attached to this report. The Budget Analyst notes that of 135 8238, Police Communications Dispatcher positions authorized in the FY 1993-94 Budget, a total of 111 of those positions are currently filled. However, the Chief of Police projects full staffing for the Communications Center by April of 1994.

5. The Police Department completed its report on the 101 California incident in August of 1993. That report was released to the public. In addition, at the direction of the Mayor, the Director of the Mayor's Office of Emergency Services, Admiral (Retired) John Bitoff, conducted a management audit of the 911 System. Admiral Bitoff's audit report was also completed in August of 1993 and released to the public.

6. Chief Ribera of the Police Department has previously reported that the following steps have been taken to enhance the operations of the Communications Center:

- a. An overlap on dispatch channels during watch (shift) changes.
- b. The physical presence in the dispatch room of supervisors.
- c. Dispatchers are not to leave the dispatch channel for relief or change of watch while an "A" priority is pending.

7. In addition to the recommendations contained in the previously listed resolutions approved by the Board of Supervisors, the following measures or objectives were reported by representatives of the Police Department at the August 31, 1993, hearing:

- Assign Priority "A" calls within two minutes;
- Publish a draft of the 911 instruction manual;
- Communications Supervisors carry ear phones in the Communications Center;

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

- Conduct critical incident training for Communications Center managers and supervisors;
- Develop an option to manipulate the Computer Aided Dispatch (CAD) screen to view the most recent information;
- Implement improved shift change procedures;
- Develop tactical operations plans for Communications;
- Conduct a high rise emergency exercise;
- Conduct combined team (Police and Medical Services) operations training.

8. Admiral Bitoff stressed the need for clarification and/or implementation of the following measures:

- Develop a standard definition of "Response Time;"
- Enhance the listening skills of Call Evaluators;
- Highlight in the telephone directory the need for the public to use 911 for emergencies only and highlight the availability of the non-emergency Police access number, 553-0123;
- Enhance communications between the Call Evaluator and an officer on the scene.

9. Captain Jim Molinari of the Police Department reports that Departmental personnel will be made available at the hearing to answer questions on the status of actions taken in response to the previously approved resolutions and on the issues addressed in paragraphs 6, 7 and 8 above.





POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103

ANTHONY D. RIBERA  
CHIEF OF POLICE

December 10, 1993

Mr. John L. Taylor  
Clerk of the Board  
Board of Supervisors  
235, City Hall  
San Francisco, CA 94102

Dear Mr. Taylor,

I am writing in response to the hearing scheduled before the Public Safety Committee on December 14, 1993. In the Budget Analysts Report Item 3, Resolutions 207-92-11 through 207-92-11.6 have been addressed, but Items 6, 7, 8 are of interest.

Item 6 refers to Steps undertaken to enhance the operations of Communications Center:

- (a) Overlap on dispatch channels during the change of watch -- this has been implemented;
- (b) The presence of two supervisors in the dispatch room -- this has been implemented;
- (c) No dispatcher shall leave the dispatch channel for relief or change of watch while an "A" priority is pending.

Item 7 refers to a number of measures that reflect our internal objectives.

- (a) We have instituted a two minute assignment of "A" priority calls;
- (b) We are in meet and confer meetings with Local 790 on the Operations Manual;
- (c) Supervisors are carrying head sets in the Center;
- (d) Critical Incident Training has been provided for the managers and supervisors in conjunction with our Tactical Unit;

TO: Mr. John Taylor  
From: Chief Anthony Ribera  
Subject: Public Safety Committee

Friday, 12/10/93  
Page 2 of 3

- (e) We are exploring the feasibility of modifying the CAD screens to reflect the most recent information;
- (f) We have implemented procedures to insure timely shift changes;
- (g) We have implemented a tactical plan with the help of our Tactical Unit;
- (h) a high rise emergency drill is scheduled for January '94; and a joint EMS/Police training seminar is in the planning stages.

Item 8 refers a number of issues raised by Admiral Bitoff at a previous meeting.

- (a) The definition of Response Time, in the Department's view, is the time the Dispatcher evaluates the call and types an entry in CAD, the time for actual dispatch, and time of arrival by a field unit.
- (b) Enhance the listening skills of call evaluators. At the present we are planning to begin in service training for all dispatchers as a refresher course, in the mean time we have instituted a vigorous monitoring program to evaluate the listening skills of all dispatchers and taking corrective action on an individual basis.
- (c) Pacific Bell has made changes to the emergency number section of the directories and they should be reflected in the next publishing cycle.
- (d) We have implemented a program to include dispatchers in our Advance Officers Training Program in the hope of establishing a better understanding of field and communication operations.

TO: Mr. John Taylor  
From: Chief Anthony Ribera  
Subject: Public Safety Committee

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Page 3 of 3

- (e) Finally, I have attached current staffing levels and project that by April of '94 we will be at full strength.

If we can be of further assistance please contact Captain James Molinari of my staff at 553-1124.

Sincerely,



ANTHONY D. RIBERA  
Chief of Police

JJM:ADR:aa

*WP Correspondence/P&R/Progress Report on 911*



ATTACHMENT

CLASSIFICATION	CLASSIFICATION Title	Authorized in FY 92-93 Budget	Assigned as of 30 June 1993	Authorized in FY 93-94 Budget	Assigned as of 10 December 1993
9205	Airport Communications Coordinator	0		1	
8240	Police Communications Shift Supervisor	3		4	
8239	Senior Police Communications Dispatcher	9		13	
8238	Police Communications Dispatcher	114		135	

JJMADR:aa

PM Correspondence P&R Attachment Program Report on D11



Item 6 - File 43-93-3

1. The proposed resolution would establish a policy for the City and County of San Francisco to provide mental health services to indigent victims of violence and urge the Mayor to urge the Department of Public Health (DPH) to provide services for individuals who have been Court-ordered to receive mental health treatment and for indigent individuals who are victims of violence.

2. The proposed resolution would (1) establish that it is the policy of the City that mental health services be provided to indigent victims of violence and (2) urge the Mayor to urge the DPH to provide treatment to indigent victims and to individuals who perpetrate violence on others, if such individuals perpetrated such violence on others because of mental illness and have therefore been ordered by the Court to receive treatment for mental illness.

3. The DPH, Center for Special Problems is currently responsible for providing mental health treatment and other support services to (1) indigent victims of violence, (2) indigent persons who have been ordered by the Court to receive treatment for mental illness, (3) transgender (i. e., transsexuals and transvestites) adults and (4) transgender adolescents and at-risk youth. Ms. Rinna Flohr, Director of the Center for Special Problems, reports that the Center for Special Problems currently serves between 200 to 250 victims of violence per month and between 200 to 250 persons per month, who have been ordered by the Court to receive treatment, for a total of approximately 400 to 500 clients per month. Ms. Flohr advises that these clients make up approximately 80 percent of the total clients served. The Center for Special Problems budget for 1993-94 is \$2,058,270. A supplemental appropriation ordinance in the amount of \$1,122,979 (File 101-93-67) is pending before the Board of Supervisors that would restore six months of funding to the Center for Special Problems for the period January 1, 1994 to June 30, 1994. According to Ms. Flohr, the Center for Special Problems is currently able to provide services to all clients that are referred for treatment and there is no waiting list. Ms. Flohr advises that she anticipates that the Center for Special Problems will continue to be able to adequately serve its target population provided that (1) the Center does not incur a reduction in funding and/or the client population does not increase dramatically and (2) DPH does not make a policy decision to direct the Center to serve a different target population from the ones that it is currently serving.

4. Mr. Mark James, Division Director of the Adult Probation Department advises that psychiatric counseling is a Court mandated condition of probation in all domestic violence and sex offense cases. Mr. James advises that counseling is also often ordered by the Court in assault and robbery cases. According to Mr. James, the Adult Probation Department currently supervises 616 domestic violence cases, 611 assault cases, 185 robbery cases and 97 sex offense cases. Mr. James reports that most of the offenders involved in these cases are without the financial ability to pay for counseling services. Mr. James advises that the Adult Probation Department relies on the Center for Special Problems to provide the necessary mental health services to indigent offenders who have been ordered to seek treatment.



**Comment**

Given that the DPH, Center for Special Problems is currently able to provide services to (1) all clients who are indigent victims of violence, (2) those individuals that are Court ordered to receive treatment and (3) all clients that are referred for treatment and given that there is no waiting list at the Center for Special Problems, it is unlikely that this proposed legislation would result in any additional cost to the City.

**Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 7 - File 121-93-14

**Department:** Police Commission

**Items:** Ordinance amending the Police Code by adding Section 261 thereto, prohibiting persons from loitering at or near cash dispensing machines.

**Description:** According to the proposed ordinance, cash dispensing machines have become the site of robberies and assaults, and persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near machines.

The proposed ordinance finds that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. The proposed ordinance would impose a fine of \$50 to \$100, and/or community service, for the first conviction, if charged as an infraction. Punishment for violation of this ordinance would be as follows:

(a) If charged as a misdemeanor, the first conviction would result in a fine of \$200 to \$500, and/or community service, or by a County jail sentence of up to six months;

(b) For a second conviction within a 30 day period, the offender would be guilty of a misdemeanor and fined \$300 to \$500, and/or community service, or sentenced to the County jail for up to six months, or required to both pay a fine and serve a jail sentence;

(c) For a third conviction or more within a 30 day period, the offender would be guilty of a misdemeanor and fined \$400 to \$500, and/or community service, or sentenced to the County jail for up to six months, or both.

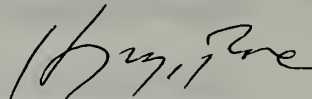
The purpose of this ordinance would be to decrease the incidence of such crimes by providing law enforcement officers with an additional crime fighting tool.

**Comments:** According to Lieutenant Lawrence Ryan of the Fiscal Division of the Police Department, the potential costs and revenues of the proposed ordinance cannot be estimated at this time, because the extent to which persons: (a) loiter at cash dispensing machines; (b) would be found guilty of such loitering; and (c) would be sentenced to serve time in jail versus to pay fines is currently unknown. However, with respect to costs, Lt. Ryan reports that the Department could

Memo to Health, Public Safety and Environment Committee  
December 14, 1993 Health, Public Safety and Environment Committee Meeting

enforce the ordinance without the necessity of additional personnel.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Shelley  
Supervisor Hallinan  
Supervisor Leal  
President Alioto  
Supervisor Bierman  
Supervisor Conroy  
Supervisor Hsieh  
Supervisor Kaufman  
Supervisor Kennedy  
Supervisor Maher  
Supervisor Migden  
Clerk of the Board  
Chief Administrative Officer  
Controller  
Teresa Serata  
Robert Oakes  
Ted Lakey



CALENDAR *Actions Taken*

DEC 20 1993

MEETING OF  
HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO  
PUBLIC LIBRARY

TUESDAY, DECEMBER 14, 1993 - 10:00 A.M.

LEGISLATIVE CHAMBER  
2ND FLOOR, CITY HALL

PRESENT: SUPERVISORS SHELLEY, HALLINAN, LEAL

ABSENT: SUPERVISOR LEAL - ITEM 5 - 8

CLERK: GAIL JOHNSON

1. File 207-93-21. [Quality of Life Enforcement Program (Matrix)] Resolution urging the Mayor to re-direct police activities from the enforcement of quality of life infractions to serious criminal activity and to develop a comprehensive homeless plan. (Supervisors Alioto, Shelley, Bierman, Hallinan, Migden)  
  
ACTION: Hearing held. Recommended. (Supervisor Leal Dissenting)
2. File 310-93-1. [Matrix Citations] Resolution urging the District Attorney to discharge matrix citations with no evidentiary basis, and urging the Municipal Court to recall bench warrants where matrix citations have been discharged by the District Attorney. (Supervisors Hallinan, Alioto, Bierman)

(Continued from 11/23/93)

- ACTION: Hearing held. Amended on page 2, line 12, after "whether", by adding "there". Further amended on page 2, line 12, after "an", by adding "adequate". Recommended as amended. (Supervisor Leal Dissenting)
3. File 207-93-20. [Confiscation of Shopping Carts Investigation] DRAFT resolution that the District Attorney investigate possible violations of civil, police and various department policy orders in connection with the recent confiscation of shopping carts and that the Police Department issue a statement clarifying its policy regarding cessation of confiscation of shopping carts. (Supervisors Alioto, Bierman)  
  
ACTION: Hearing held. Amendment of the Whole adopted. Recommended as amended. New title: "Urging the District Attorney to investigate possible violations of civil, police and various department policy orders in connection with the recent confiscation of shopping carts, and urging the Mayor to urge the Police Department to issue a statement clarifying its policy regarding cessation of confiscation of shopping carts."

4. File 207-93-023. [Matrix Program Costs] Hearing to consider the Budget Analyst's report on the costs of the Matrix Program. (Supervisor Alioto)

ACTION: Hearing held. Continued to the Call of the Chair.

5. File 207-93-13. Hearing to consider the status report of the Police Department's actions in relation to the Board of Supervisors' various 911 resolutions, including specific circumstances concerning the 911 response to the 101 California Street incident. (Supervisor Shelley)

ACTION: Continued to the Call of the Chair.

6. File 43-93-3. [Indigent Health Care Policy] Resolution establishing a policy for the City and County of San Francisco to provide mental health service to indigent victims of violence and urging the Mayor to urge the Department of Public Health to provide services for individuals court-ordered to treatment and individuals who are victims of violence who are indigent. (Supervisor Shelley)

ACTION: Hearing held. Amended on page 2, line 20, after "victims", by adding "and perpetrators". Further amended on page 2, line 24, after "who", by adding "are victims, or who". Recommended as amended. New title: "Establishing a policy for the City and County of San Francisco to provide mental health service to indigent victims and perpetrators of violence and urging the Mayor to urge the Department of Public Health to provide services for individuals court-ordered to treatment and individuals who are victims of violence who are indigent." (Supervisors Alioto and Hallinan added as co-sponsors.)

7. File 121-93-14. [Loitering at or Near Cash Dispensing Machines] Ordinance amending the Police Code by adding Section 261 thereto, prohibiting persons from loitering at or near cash dispensing machines. (Mayor)

ACTION: Hearing held. Continued to the Call of the Chair.

8. File 27-93-20. [Airline Policy On People With AIDS] Hearing to consider the policies of airlines doing business with San Francisco International Airport regarding passengers who have AIDS and other illnesses that may require IV bags or other medical equipment and examining all federal statutes and regulations dealing with said policies and exploring possible recommendations by the Board of Supervisors to the Federal Government of ways to protect San Francisco residents with AIDS and other illnesses when they choose to travel by air. (Supervisors Hallinan, Alioto)

ACTION: Hearing held. Continued to December 28, 1993, meeting.

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1993

BOARD of SUPERVISORS



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NOTICE OF CANCELLED MEETING

HEALTH, PUBLIC SAFETY AND ENVIRONMENT COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Health, Public Safety and Environment Committee for Tuesday, December 28, 1993, at 10:00 a.m., has been cancelled.

*John L. Taylor*  
JOHN L. TAYLOR,  
Clerk of the Board

POSTED: DECEMBER 22, 1993



IMPORTANT  
HEARING NOTICE

HEALTH, PUBLIC SAFETY AND  
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